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Presented: 05/08/2023  
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## ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-24

### **An Ordinance Amending the Elections Code Relating to Election Procedure.**

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 Chapter.** CBJC Chapter 29.07 Election procedures, is amended to read:

#### **Chapter 29.07 - ELECTION PROCEDURES**

##### **29.07.010 Election times; notice.**

(a) The Election Official will conduct all elections by mail, unless otherwise directed by the Assembly.

(b) *Time of regular elections.* Annually, on the first Tuesday of October of each year, a regular election shall be held in the City and Borough of Juneau for the election of vacant City and Borough of Juneau offices, and for the determination of other matters as may regularly be placed on the ballot.

(c) *Time of special elections.* Except as provided in CBJ Charter Section 7.10(b), the assembly, by motion, resolution, or adoption of an ordinance, may call a special election at any time. Unless the assembly has set a date for a required special election, the election official shall call a special election when required by law, charter, or ordinance, to place an initiative, referendum, recall, or other question before the voters.

(d) *Voting hours.* On election day, vote centers, or in a poll-based election, precinct locations, will be open from 7:00a.m. to 8:00 p.m. Ballots must be received by the election official, placed in a ballot drop box, or received at a vote center all by 8:00 p.m. on election day, or be postmarked by the post office on or before election day. Any ballots cast by a voter present in line awaiting the opportunity to vote at a vote center or to drop a ballot into one of the secure ballot drop boxes at 8:00 p.m. on election day will be considered as having been voted in a timely manner.

(e) *Notice of election.* The City and Borough of Juneau Election Official shall cause to be published a notice of election during three consecutive calendar weeks, once in each week, in a newspaper of

general circulation in the City and Borough of Juneau. The first such publication, and the posting, shall be accomplished at least 30 days before the election.

(f) *Contents of election notices.* Notices of election shall state how the election is to be conducted; by mail or poll-based. For each election, 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, and the method by which the election is being conducted, by mail or poll-based;
- (2) Qualifications of voters;
- (3) The offices to be filled, the propositions submitted to the electors, and the full text of any proposed charter amendment; and
- (4) An explanation that in-person voting will be available at vote centers on election day, but no polling places will be in operation;
- (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 and ballot drop box locations and hours;
- (8) An explanation of by-mail voting deadlines; or
- (9) If conducted as a poll-based election, in addition to (1)-(3), the location and hours of precinct polling places for early voting and regular in-person voting on election day.

**29.07.020 Election officials.**

(a) The City and Borough of Juneau Municipal Clerk is the City and Borough of Juneau Election Official. Any properly authorized assistant to the City and Borough of Juneau Municipal Clerk or other person designated by the manager shall be an assistant City and Borough of Juneau Election Official and may perform any functions set out in this chapter as a function of the City and Borough of Juneau Election Official.

- (1) The election official may contract, without obtaining competitive bids, any portions of the election process with the State of Alaska Division of Elections, other governmental entity or agency, or contractor to ensure the timely and secure conduct of a particular election.
- (2) Each election worker must be a qualified voter of Alaska.

(b) Before each election, the election official shall appoint a minimum of two election workers in each precinct or vote center to constitute the election team for that precinct or vote center. The election official may assign additional election workers at any vote center or precinct polling place as necessary to conduct an orderly election.

(c) If any election worker fails or refuses to attend and serve, the election official shall appoint a person eligible under this section to serve in the absentee's place.

(d) Before beginning their duties, all election workers shall take and subscribe the following oath:

"I \_\_\_\_\_ do solemnly swear (or affirm) that I will support the constitutions of the United States and State of Alaska, and the laws of the City and Borough of Juneau, and the State of Alaska, and that I will faithfully, honestly, and promptly perform the duties of the office of \_\_\_\_\_."

#### **29.07.030 Precinct boundaries.**

(a) Precinct boundaries in the City and Borough of Juneau shall be in accordance with CBJ Code 11.10.030.

(b) The vote centers or precinct polling places shall be specified by the City and Borough of Juneau Election Official.

#### **29.07.040 Candidate districts.**

In any election of school board members or any election of assemblymembers involving a multimember district, the candidates receiving the highest number of votes shall be deemed elected to the vacant seats. If vacancies exist on the school board or within a multimember assembly district for seats with different terms, the candidate receiving the highest number of votes shall be deemed elected to the seat with the longest term and the candidate with the second highest number of votes shall be deemed elected to the seat with the next longest term until all seats are filled in that order.

#### **29.07.050 Candidates; nomination; write-in.**

(a) Nominations for elective officers shall be made only by petition accompanied by a signed acceptance. Each voter signing a petition shall state on the petition the voter's place of residence, by street and number, lot and block, or other sufficient means.

(b) Nominating petitions shall meet the following requirements:

(1) Petitions must include a certification providing:

"We the undersigned qualified voters of the City and Borough of Juneau, in the State of Alaska, hereby nominate and sponsor \_\_\_\_\_, whose residence is \_\_\_\_\_ for the office of \_\_\_\_\_, to be voted for at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_. We individually certify that we are qualified to vote for a candidate for the office this candidate seeks, and that we have not signed other nominating petitions for this (district) (office) exceeding in number the vacancies in this (district) (office) to be filled in this election."

- (2) Qualified voters signing the petition shall provide their printed name, signature, residence address, one identifier - which can be either the last four digits of the voter's registration identification number, the last four digits of the voter's driver's license or state identification number, the last four digits of the social security number, or the year of birth - and the date of signing the petition.
  - (3) Nominating petitions shall have a minimum of 25 signatures of registered voters from within the City and Borough.
  - (4) The nominating petition shall contain a signed declaration of candidacy by the candidate of the candidate's qualification for the office, acceptance of nomination, and agreement to serve if elected.
  - (5) Upon receipt of the nominating petition, the election official shall indicate on the petition the date and hour of filing, the name and address of the person filing the petition, and place the signature of the person receiving the petition on the document.
- (c) 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.
- (d) Within four days after the filing of a nominating petition packet, the City and Borough of Juneau Election Official shall notify the candidate named in the petition and the person who filed the petition packet whether or not it is in proper form and signed by 25 qualified voters. If not, the City and Borough of Juneau Election Official immediately shall return it, with a statement certifying wherein the petition packet is deficient, to the person who filed it. A petition packet correcting the deficiencies for the same candidate may be filed no later than 4:30 p.m. of the 71<sup>st</sup> day, before the election.
- (e) Any candidate nominated may withdraw their nomination not later than 4:30 p.m. of the 67<sup>th</sup> day before the election.
- (f) A write-in candidate shall, not earlier than 67 days, nor later than 4:30 p.m. of the seventh day before the election, file with the election official a letter of intent or declaration of candidacy form stating:

- (1) The full name of the candidate;
- (2) The full residence address of the candidate and the date on which residency at that address began;
- (3) The full mailing address of the candidate;
- (4) The office that the candidate seeks;
- (5) The date of the election at which the candidate seeks election;
- (6) The length of residency in the City and Borough;
- (7) The name of the candidate as the candidate wishes it to be written on the ballot by the voter;
- (8) That the candidate will meet the specific age requirements of the office for which the person is a candidate by the time that the candidate, if elected, is sworn into office;
- (9) That the candidate is a qualified voter as required by law; and
- (10) That the candidate is not a candidate for any other office to be voted on at the election and that the candidate is not a candidate for this office under any other nominating petition or declaration of candidacy.

(g) The letter of intent or declaration of candidacy form submitted by a write-in candidate must be accompanied by any required state financial disclosure forms.

**29.07.055 Official candidate statement.**

(a) The election official shall publish online an official candidate statement submitted by the candidate. The information will be obtained from candidate responses to a questionnaire prepared by the election official. Online publication on the municipal website of candidate statements will take place 30 days prior to the election and will not include write-in candidates.

(b) A candidate for elected office under section 29.07.050 may provide the election official with biographical information of not more than 150 words, a recent photo of the candidate, and a candidate's advocacy statement of not more than 250 words, for publication on the municipal website. All information must be received by the election official no later than 50 days prior to the election. A candidate may not make a change to the candidate's biographical information or advocacy statement after the deadline. An article such as "a", "and" and "the" will be counted as one word. Any words included in the biographical information or candidate's advocacy statement beyond the allowed word counts will not be published.

(c) A candidate may submit any of the candidate's following biographical information:

- (1) Name as it appears on the ballot;
- (2) Residence address;
- (3) Mailing address;
- (4) Office sought;
- (5) Electronic mail address;
- (6) Website address;
- (7) Age at the date of the election;
- (8) Place of birth;
- (9) Occupation;
- (10) Spouse or domestic partner's name;
- (11) Children's names;
- (12) Length of Juneau residency;
- (13) Communities lived in and dates of residence;
- (14) Education, such as high school, technical and vocational school, college, university or postgraduate, including dates attended and degree or certificates earned;
- (15) Military service, listing the branch, length of service, rank and awards earned;
- (16) Political and government work;
- (17) Business and professional work;
- (18) Service organization memberships;
- (19) Special interests; and
- (20) Any other information the candidate considers appropriate.

(d) For purposes of a candidate's advocacy statement, a candidate may include comments about the candidate in the following areas:

- (1) The candidate's skills; and
- (2) The candidate's position on municipal issues.

(e) The election official may reject any portion of an official candidate statement containing obscene, libelous, profane, slanderous or defamatory material.

**29.07.060 Ballots; form.**

(a) The names of all offices and candidates to be voted upon shall be printed on the ballot. The title of each 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 not more than \_\_\_\_\_" with the appropriate number replacing the blank shall be placed before the list of candidates for each office. The names of candidates shall be printed as they appear upon the petitions filed with the City and Borough of Juneau Election Official except that any honorary or assumed title or prefix shall be omitted.

(b) Ballot placement of candidates shall be determined according to the following procedures:

- (1) The order for placement on the ballot will be established by random drawings of the letters of the alphabet by the election official. A drawing will be held for each race. The results of each drawing will be recorded and preserved by the election official.
- (2) The names of candidates in each race will be placed on the ballot based on the alphabetical order drawn for that district.
- (3) If two or more candidates have last names starting with the same letter, they will be placed relative to each other on the ballot according to the second letter of the last names, if the second letters are the same, then according to the third letter, and so on. If two or more candidates have the same last name they shall be placed relative to each other on the ballot according to their first given names, and if those start with the same letter, then as specified for last names, and if those are the same, according to subsequent middle names. For the purposes of this section, the name of the candidate used to determine ballot placement shall be the candidate's name as found on the voter registration rolls.

(c) Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted upon. The words "Yes" and "No" or "For" and "Against," as appropriate, shall be placed below the statement of each proposition and question. The form of statement and title of the proposition or question shall be as determined by the election official except as may be otherwise required by the assembly or applicable law. When directed by the assembly, there shall be placed on the ballot as part of a proposition or question a brief, neutral,

and succinct explanation of the proposition or question. Such explanations must be approved as to content by the assembly or the attorney.

(d) The ballot shall be printed on plain white paper through which printing and writing cannot be read. The ballots shall be numbered in series, a number being placed on one corner of each ballot within an area set off by perforations which may conveniently be removed from the remainder of the ballot.

(e) On the ballot, placed so as to be clearly visible, shall appear the words "Official Ballot" in large print and the date of the election.

(f) The layout and form of ballots may be modified by the election official to accommodate the voting system used for the election, including, but not limited to, electronic ballots, provided a paper version of the ballot can be printed and used for tabulation and ballot accountability.

**29.07.070 Ballots; preparation and distribution.**

The election official may contract for the preparation and printing of the ballots without obtaining competitive bids and shall require possession of the printed ballots at least 15 days before the election. Sufficient ballots shall be delivered before the opening of the vote center or polling places. The election official shall keep a record of the numbers of the ballots delivered to each election team, the signature of the person to whom each group of ballots is delivered, and the date of each delivery. Ballots shall be secured by election workers according to chain of custody protocols established in the election procedures.

**29.07.080 Election materials; preparation and distribution.**

(a) The election official shall equip each vote center or precinct polling places with sufficient materials and supplies needed for the election, including those required by this section, before the opening of the polls.

(b) The election official shall publish instructions explaining to voters how ballots are issued, how to correctly mark a ballot, how to obtain information from election workers, and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be prominently displayed. The election official shall have sample ballots, identical in form to the ballots to be used in the election, printed in a manner that is clearly distinguishable from the official ballot and may include as a part of a proposition or question a brief, neutral, and succinct explanation of the proposition or question, approved as to content by the assembly or attorney. The election official shall provide booths at each vote center or precinct polling place, with appropriate supplies and conveniences to enable each voter to mark the voter's ballot screened from observation. Ballot boxes shall be placed outside the voting booths within plain view of the election workers, clerks, voters, and other persons at the polling places.

(c) Ballot drop boxes will be located in locations identified by the election official where voters may deposit voted by mail ballots up to the close of polls on election day. The drop slot opening of each



ballot drop box shall be available to accept ballots 24 hours a day beginning no later than 10:00 a.m. on the 15th day before election day and closed at 8:00 p.m, the time designated for the close of the polls on election day.

**29.07.090 Absentee voting; eligible persons; permanent absentee voters.**

(a) At any election, a qualified voter may vote an absentee ballot for any reason.

(b) The election official may designate a person as a permanent absentee voter if the person is a qualified voter, and if the voter is registered with the State of Alaska Division of Elections as a permanent absentee voter within the City and Borough.

(c) In the event that an election is held as a poll-based election, a person designated as a permanent absentee voter under subsection (b) of this section will be sent an application for an absentee, by mail ballot, at the permanent mailing address stated on the voter's current registration record on the following schedule:

(1) At least 45 days before a special election;

(2) At a time specified by the election official before any election, to voters defined in subsection (a) of this section who registered to vote after the last mailing of absentee, by mail ballot, applications.

(d) For a poll-based election, the voter may submit the application and vote by mail. However, nothing in this section limits the voter's eligibility to vote in person at a precinct polling place, or vote center, in person before an election official, or absentee through a personal representative.

**29.07.100 Voting procedure.**

(a) When the election official conducts an election by mail, the election official 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, non-forwardable mail, on or before the 19th day before the election.

(b) The election official shall enclose a privacy envelope and a return envelope to each voter eligible under subsection (c) above. 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. Specific instructions for voting a by-mail ballot and a list of the vote center(s) and hours shall be included with the ballot.

(c) 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 following, absentee voting procedures, which would also be the same methods followed if the election was being held as a poll-based election:
  - (A) At any election, a qualified voter may vote a ballot from a temporary address for any reason.
  - (B) The election official may designate a person as a permanent absentee voter if the person is a qualified voter, and if the voter is registered with the State of Alaska Division of Elections as a permanent absentee voter within the City and Borough.
  - (C) A person designated as a permanent absentee voter under subsection (b) of this section will be sent a ballot by mail at the permanent mailing address stated on the voter's current registration record unless the voter submits an application for a ballot to be mailed to a temporary address or submits an application for an electronic transmission ballot.
  - (D) A qualified voter may submit the application and vote from a temporary address. However, nothing in this section limits the voter's eligibility to vote in person at a polling place or vote center, in person before an election official, or absentee through a personal representative.
  - (E) 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.

- (F) The application for an absentee ballot shall show the qualified voter's place of residence, clearly indicate the qualified voter's right to an absentee ballot, and be signed by the qualified voter.
- (i) Absentee application for voting from a temporary address. 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 at a temporary address with the election official. A complete application for a ballot to be mailed to a temporary address must be received in the office of the election official not less than seven days before election day.
- (ii) Absentee application for voting by fax or electronic transmission. A qualified voter who has submitted an application to receive an absentee ballot by fax or electronic transmission will be issued an electronic ballot package 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."
- (iii) 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.

**29.07.110 Reserved.**

**29.07.120 Vote center, ballot drop boxes, and polling place; procedures.**

- (a) Before processing any ballots, the election team must, in the presence of any persons assembled at the vote center or polling place, open and exhibit the ballot box to be used at that location on that day. Thereafter the box shall be sealed with the security seal provided and not be opened again until the polls finally close at the end of each day and the vote center or polling place is open. At the end of each day, ballot envelopes containing voted ballots will be counted and sealed with the security seals that will be recorded on the daily transmission log and prepared for transport to election central or the ballot processing center as required by written directive of the election official for transportation from the vote centers, post office box, ballot drop boxes, or polling places.

(b) A voter shall give the election worker the voter's name and place the voter's signature by the voter's name in the registration book unless the qualifications of the voter are questioned.

(c) Every election worker shall question, and every watcher and any other person qualified to vote in the precinct or vote center, may question a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote. All questions regarding a person's qualifications to vote shall be made in writing setting out the reason the person has been questioned. A questioned person, before voting, shall subscribe to a declaration in a form provided by the election official attesting to the fact that, in each particular, the person meets all the qualifications of a voter, that the person is not disqualified, that the person has not voted at the same election, and certifying that the person understands that a false statement on the declaration may subject the person to prosecution for a misdemeanor under this title, under state law, or both. The election official shall provide a registration book for questioned voters to sign. If the questioned person refuses to execute the declaration, the person may not vote.

(d) A voter who casts a questioned ballot shall vote the ballot in the same manner as prescribed for other voters. The voter shall insert the ballot into a secrecy sleeve and then put the secrecy sleeve into an envelope on which the statement the voter previously signed is located. The envelope shall be sealed and deposited in the ballot box. When the ballot box is opened, the envelopes shall be segregated, counted, compared to the voting list, and delivered to the official or body supervising the election. The merits of the question shall be determined by this official or body in accordance with election policies.

(e) If the voter is not questioned, the voter shall be given one ballot and shall proceed to the voting booth or to the electronic ballot marking device to mark their ballot. There the voter, without undue delay, shall mark the ballot. A voter may write in the name of a candidate or candidates of the voter's choice; provided, however, that a voter who writes in a candidate's name must also mark the ballot in the area provided for that purpose opposite the name of such candidate in order for the voter's indication to be counted as a vote for such candidate. Upon the voter's determination that the voter has satisfactorily marked the ballot, the voter shall place the ballot within the secrecy sleeve and voter certification envelope provided and deposit the ballot in the ballot box.

(f) A voter who by accident or mistake mutilates or spoils the voter's ballot shall, upon returning the same to the election workers, be given another ballot, to a maximum of three ballots. The worker shall record the number of ballots spoiled, void the spoiled ballot, and without examining it, place it in the spoiled ballot envelope for final ballot accountability.

(g) The voter may choose to use an electronic alternative ballot marking device as provided at a vote center or polling place in accordance with instructions provided by the election officials. Alternatively, a voter who cannot read, mark the ballot, or sign the voter's name, may be assisted in doing so by an election worker, or not more than two willing persons of the voter's choice if the voter requests such assistance. If any person other than an election worker assists the voter in reading or marking the ballot, such person shall state upon oath before the election worker that such person will not reveal the vote cast by the assisted voter.

(h) On election day, fifteen minutes before the closing of the polls, and all other locations where ballots may be cast, an election worker shall proclaim to any persons present the time remaining before the polls close. When the polls are closed, that fact shall be similarly proclaimed, and thereafter no ballots shall be received except those of qualified voters already present at the vote centers, ballot drop boxes, election official's office, or the precinct polling location, in a poll-based election, waiting to vote when the polls are closed. Ballots must be provided to an election official, received by the vote center, placed in a ballot drop box, or received at a polling place, in a poll-based election, by 8:00 p.m. on election day, or be postmarked by the post office on or before election day. Any ballots cast by a voter present in line awaiting the opportunity to vote at a vote center, or to drop a ballot into a secure ballot drop box, or present in line awaiting the opportunity to vote at a polling place, for a poll-based election, at 8:00 p.m. on election day, will be considered as having voted in a timely manner.

**29.07.130 Unused ballots.**

All ballots issued to vote centers or polling places not voted shall be sealed by the election workers after recording the numbers of the unvoted ballots. Election workers shall return the sealed unused ballots and stubs of ballots in an envelope provided by the election official, to the election official, who shall give a receipt therefor, and keep a record of the numbers of the returned stubs indicating when and by which worker each was returned.

**29.07.140 Reserved.**

**29.07.150 Ballot envelope review and signature verification.**

(a) The election official may issue, amend, and rescind election policies prescribing the manner in which the vote center or precinct review and ballot count is accomplished so as to ensure accuracy in the count and to expedite the process.

(b) The election team 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;
- (5) The team 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 shall be included in the ballot statement; and

- (6) The election team shall separately record the number of ballots, including personal representative and other by mail ballots, which were received at that polling place or vote center but not issued by that polling place or vote center.

(c) Ballot review procedure. The ballot review team 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, tabulation, and counting of by-mail ballots. The ballot review team 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 or tabulation of ballots that would generate any election results will not begin until after 8:00 p.m. on election day. The following standards shall guide the election policies:

- (1) A ballot shall not be counted if:

- (A) 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 subsection (3) below; or
- (B) Reserved.
- (C) The ballot return envelope, if mailed, is received after election day, has no postmark, and United States Postal Service (USPS) cannot verify the ballot return envelope was mailed on or before election day; or
- (D) The ballot return envelope is not received before the beginning of the canvass review board review process; or
- (E) The voter has already voted in the election.

- (2) A ballot shall be counted if:

- (A) 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 subsection (3) below; and
- (B) Reserved.
- (C) The ballot return envelope was received via mail at a voter center, polling place, in a poll-based election, or deposited in a ballot drop box no later than 8:00 p.m. on election day; or

(D) The ballot return envelope, if mailed, was postmarked or the United States Postal Service (USPS) can verify that the ballot return envelope was mailed on or before election day; and

(E) The ballot return envelope was received before the beginning of the canvass review board review process.

(3) Signature verification process:

(A) 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 29.07.250.

(B) 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.

(C) In this section, Signature verification process, if all other factors match for voter's eligibility, the election official and/or canvass review board may approve the counting of a ballot if it meets the following "fuzzy match" criteria for the personal identifier:

(i) "Date of Birth" fuzzy match includes ONE of the following:

(a) Two dates with the maximum of 1 digit in difference "03/27/1945" and "03/27/1946"; or

(b) Transposition of month and day portion of the Date of Birth: "05/11/1935" and "11/05/1935."

(ii) A "Social Security Number" or Alaska Driver's license or State ID fuzzy match include ONE of the following:

(a) Two numbers with a maximum of 2 digits in difference, any number position; or

(b) Two consecutive numbers are transposed.

(D) Missing or invalid signature or personal identifier. If a voter's signature or personal identifier 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 and/or personal identifier.

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

(ii) The voter may:

(a) Fill out the form included with the letter and return the form to the address specified on the form; or

(b) 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.

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

(E) Ballot cure policies and procedures will be established pursuant to the election policies developed under CBJ 29.07.250.

(4) The ballot review team 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 tabulation of ballots will not begin until after 8:00 p.m. on election day.

(d) Multiple and replacement ballots. If the voter is issued a replacement ballot, the first valid ballot received and reviewed at the ballot processing center 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.

#### **29.07.160 General procedures for ballot count.**

(a) Adjudication of votes shall use the following rules:

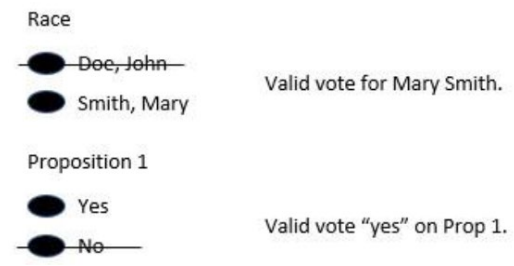
(1) A vote shall be counted if the oval preceding the name of the candidate or answer to a proposition question is wholly or partially filled-in.

(2) A failure to properly mark a ballot as to one or more candidates or proposition questions does not itself invalidate the entire ballot.

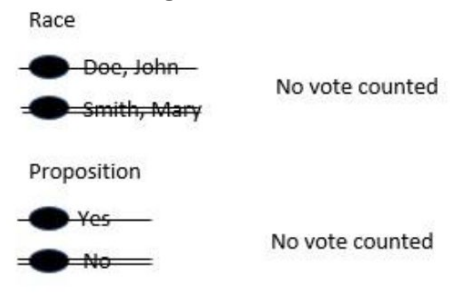
(3) If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.



- (4) If a voter marks more names than there are persons to be elected to the office, the votes for candidates to that office shall not be counted. Marks for both a write-in and a candidate named on the ballot shall not be counted, unless the write-in name is the same as the candidate printed on the ballot marked by the voter.
- (5) Candidates and answers to proposition questions marked with a strikethrough across the oval and name or answer shall be treated as indicating the voter's intent to not vote for the candidate or answer so stricken:



- (6) To invalidate a vote without making an alternate choice, the voter must vote and strike through more than one oval and name or answer.



- (7) All other over votes shall not be counted as a vote for any candidate or for an answer to a proposition question, regardless of markings or handwritten notes.
- (8) The mark specified in 1 of this subsection shall be counted only if it is substantially inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the particular oval to be designated.
- (9) Improper marks on the ballots shall not be counted and shall not invalidate marks for candidates or propositions properly made.
- (10) Write-in votes shall not be counted unless the candidate has filed a letter of intent as required by subsection 29.07.050(f). If the total number of ballots containing write-in votes in the general election are at least the second highest in number in a race with two or more candidates, the write-in votes will be counted individually, which may be

done using an electronic adjudication process when available. In races where a candidate is unopposed, write-ins will be counted individually if they are within 100 votes or less. Write-in votes will be counted after the date of the election, but before the certification of the election in which the write-ins occurred. Write-in vote totals that do not fall within either of these two categories will not be individually counted.

(11) In order to vote for a write-in candidate, the voter should:

- (A) Write in the candidate's first and last name in the space provided;
- (B) Mark the oval preceding the candidate's name in accordance with subsection (a) (1) of this section; and
- (C) Not mark ovals for additional candidates for the same office in excess of the number of offices available, except as otherwise provided in this code.

(12) A sticker bearing a candidate's name may not be used on the ballot and the vote shall not be counted for that office.

(b) The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot or vote shall not be counted unless marked in compliance with these rules, except that when it can be clearly and convincingly determined how the voter intended to vote it shall be counted accordingly. The rejection of a ballot or vote for counting under these rules is a final determination and only reviewed in an election recount or election contest.

(c) A registered observer may challenge the adjudication of a vote under this section by:

- (1) Requesting a brief pause in adjudication to note the ballot number; and
- (2) Submitting a form to the municipal clerk that sets forth with specificity the rule that has been improperly applied by election officials.

#### **29.07.170 Delivery of ballots and other election material.**

Upon completion of the counting of ballots at the ballot processing center, the election workers shall secure the counted ballots as directed by the election official in the election policies. The election official shall preserve them for 90 days unless the election is contested. Ballots and all numbered stubs, registers, tally sheets, and other records of the election shall be similarly returned to the election official as directed in election policies.

#### **29.07.180 Reserved.**

#### **29.07.190 Ballot eligibility.**

To be counted in the election, ballots must be received by the election official before closing of the polls on the day of the election, if voted in the office of the election official or other place designated by the election official, or post-marked not later than the day of the election and received by the election official before the review of election returns under section 29.07.290. The election official shall mark return envelopes received after such time as "Invalid," and the time and date of receipt by the election official shall be noted thereon. Such envelopes shall be retained with other election records and destroyed with them, as provided by this chapter for destruction of ballots. Ballots received before the closing of the polls may be reviewed at any time for voter qualification and may be counted by one or more counting teams appointed by the election official, commencing at the time the polls close on election day.

#### **29.07.200 Voting systems.**

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

#### **29.07.210 Boards and Teams.**

The election official shall appoint workers to serve as an election team in accordance with section 29.07.020, a voting system control board, a ballot review team, and a canvass review board. The election official shall appoint election workers to serve on each board and team and administer the oath prescribed for election workers to chairs and the members of each of the boards and teams.

#### **29.07.220 Procurement of voting technology.**

The election official may negotiate and contract with one or more government or private sources for the hardware, software, supplies, and contractual services required by the voting system used in the election.

#### **29.07.230 Tests and security.**

The voting system must be tested in the presence of and to the satisfaction of the voting system control board, according to election policies.

#### **29.07.240 Voting system; demonstration.**

Voters shall be informed at the polling place or vote center that they may request a demonstration of the proper way to mark a ballot with either a paper ballot or an electronic ballot marking device.

**29.07.250 Election policies established.**

The election official shall establish election policies in writing at least twenty days before an election so as to expedite the process and to guarantee the integrity of the election.

**29.07.260 Delivery of ballots to ballot processing center.**

Ballots shall be delivered to the ballot processing center from the post office, vote centers, ballot drop boxes, and polling places, in a poll-based election, by a delivery team consisting of at least two election workers. The delivery team and election official shall each sign a chain of custody receipt for ballots and election materials.

**29.07.270 Manual counting.**

The election official may appoint one or more counting teams to count qualified write-in votes and ballots, which the voting system cannot process. Manual counting shall be done in accordance with election policies.

**29.07.280 Review of election returns.**

(a) The ballot review team 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 tabulation of ballots will not begin until after 8:00 p.m. on election day. Unofficial results will be published online and updated periodically during the ballot review process according to a schedule established by the election official. 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.

(b) By the second Tuesday after each election, unless the second Tuesday falls on a holiday, in which case by the second Wednesday 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 team 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 of 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 CBJ 29.07.290.

(c) Reserved.

### **29.07.290 Certification of election.**

(a) If the election official concludes that the election was validly held, such conclusion shall be certified by the election official. The certificate also shall include the number of votes cast in the election, the names of the persons voted for, the propositions and questions voted upon at the election, the offices voted for, the number of votes cast for each candidate for each office, and the number of votes for and against each proposition and question voted upon. The certificate and a sample ballot shall be filed with the City and Borough Municipal Clerk as a public record. If the election official concludes that the election was not validly held, the election official shall refer the matter to the assembly for the calling of another election.

(b) Following certification of the election, the election official shall deliver to each person elected to office, a certificate of election, signed by the election official and the City and Borough Manager, and authenticated by the seal of the City and Borough.

### **29.07.300 Election recounts.**

(a) A defeated candidate or ten qualified voters may file an application, within two days after the completion of the review of the election returns, with the election official for a recount of the votes from any particular precinct or precincts and for any particular office, proposition, or question. The date on which the election official receives an application rather than the date of mailing determines whether the application is filed within the time allowed.

(b) The application shall state the particular election, office, proposition, and/or question for which the recount is to be held, and that the person making the application is a candidate or that the ten persons making the application are qualified voters. The candidate or persons making the application may designate by full name and mailing address two persons who may represent the applicant and be present 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 applicants as chair. The candidate or person making application shall sign the application and shall print or type their full name and mailing address.

(c) If the election official determines that the application is substantially in the required form, the election official shall fix the date of the recount to be held within five days after the receipt of an application. The election official shall give the candidate or designated chair signing the application and the two persons appointed to represent the applicant during the recount, notice of the time and place of the recount by certified mail, by facsimile, or by telephone.

(d) The election official shall appoint a board of at least three qualified voters to conduct the recount of the ballots voted in those precincts stated in the application for recount, and the board shall recount all of the voted ballots for those precincts. The election official may appoint additional qualified voters to assist in the recount. The recount shall be completed within two days.

- (e) The election official shall certify results of the election recount.
- (f) All expenses of conducting a recount shall be paid by the candidate or voters requesting the recount, provided that in the following circumstances the City and Borough shall pay the expenses:
  - (1) Where the candidates or proposition received a tie vote;
  - (2) Where the difference between the number of votes cast for each of the candidates or for and against the proposition was ten or less or was less than one-half of one percent of the total number of votes cast for the candidates involved or the proposition;
  - (3) Where the results of the election are changed by the recount; or
  - (4) Where the vote is determined to be four percent or more in excess of the vote certified by the election official in the election review for the candidate who requested the recount or for or against the proposition as stated in the recount application.

**29.07.310 Oath of office.**

All officers elected before entering upon the duties of office shall take and subscribe to the following oath and affirmation:

I \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States and State of Alaska and the laws of the City and Borough of Juneau, and the State of Alaska, and that I will faithfully, honestly, and promptly perform the duties of the office of \_\_\_\_\_.

**29.07.320 Contest of election.**

- (a) Any candidate or any ten qualified voters may contest the election of any person and the approval or rejection of any question or proposition by filing a notice of election contest with the election official before or during the review of the election returns.
- (b) The notice of election contest shall state the following grounds of the contest in detail and shall be signed under oath by the candidate or each of the voters filing it:
  - (1) Malconduct, fraud, or corruption on the part of an election official, sufficient to change the result of the election;
  - (2) The person certified as elected or nominated is not qualified as required by law;
  - (3) Any corrupt practice as defined by law, sufficient to change the results of the election.

(c) Upon receiving a notice of contest, the election official, with the assistance of the City and Borough Attorney, shall conduct an investigation, may conduct a public hearing, and shall issue written findings. Those contesting the election, those whose election is contested, and the public shall be allowed to attend any public hearings on the contest of the election.

(d) If the contestant charges a candidate obtained votes, or a proposition was voted for or against, by reason of an act or practice prohibited by ordinance or AS 15.56, election offenses, corrupt practices, and penalties, and the charges are proven to and sustained by the election official, the election official shall, to the extent of such proof, purge the illegally induced votes from the returns and certify the amended returns.

#### **29.07.330 Judicial review.**

A person may not appeal or seek judicial review of an election for any cause unless the person is a qualified voter, has exhausted all administrative remedies, and has commenced, within ten days after the election official has certified the election results, an action in the superior court. If court action is not commenced within the ten-day period, the election and election results are conclusive and valid.

#### **29.07.340 Expenses.**

The City and Borough shall pay all necessary election expenses, including those of securing places for polls or vote centers and providing ballot boxes, ballots, voting booths, screens, voting equipment, computer services, national and state flags and other supplies, and any compensation due to election workers. Compensation for the election workers shall be set by the election official.

#### **29.07.350 Destruction of ballots and election materials.**

Upon the expiration of the later of 90 days from the date of the election or 90 days from the determination of a contest of the election, the City and Borough Election Official may destroy the ballots, stubs, and other election records.

#### **29.07.360 Reserved.**

#### **29.07.370 Reserved.**

#### **29.07.380 Observers.**

(a) All observers must be registered with the election official, in accordance with election policies, in advance of showing up to observe at a polling place, vote center, and/or ballot processing center.

(b) An observer must be designated by a candidate on the ballot in the election, or by an organization or organized group that sponsors or opposes an initiative, referendum, or recall measure on the ballot in the election. A candidate may be an observer. A candidate or an

organization may have no more than one observer at each vote center, ballot drop box location, United States Postal Service (USPS) sites, polling location, in a poll-based election, or ballot processing center.

(c) A write-in candidate may register observers if, at the time of registering observers, the write-in candidate has met the requirements in subsection 29.07.050(f).

(d) Due to limited space at the ballot processing center, one registered observer for each candidate or group will be allowed at the ballot processing center unless the number of registered observers exceeds capacity at the ballot processing center and the election official provides reasonable alternative means of observation. The election official may permit additional observers on a space available basis provided each candidate and group is allocated an opportunity for an equal share of the total number of observers permitted. Candidates and groups may share an observer.

(e) Observer registration. Each candidate or organization shall register by submitting the following forms to the election official and in accordance with election policies as follows:

- (1) An observer registration form; and
- (2) A signed confidentiality agreement; and
- (3) A training and tour agreement; and
- (4) A certificate of training.

Once the above forms are submitted, the election official shall provide credentials available for pick-up within 72 hours, in the form of an observer identification badge stating the observer's name, who they represent, and the date. The badge must be signed by the candidate, campaign manager, or the chairperson of the group before the observer may begin to observe at an election location.

### **29.07.390 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.



*Ballot processing center* is the election central location designated by the election official where all election materials are secured, reviewed, and processed.

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

*Election policies* means instructions for conducting elections issued by the election official in writing at least 20 days before an election.

*Mark* means a voter's indication of choice on a ballot in a manner appropriate to the voting system used for the election.

*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.

*Poll-based elections* means those elections conducted primarily using precinct polling places or vote centers for in-person voting on election day.


*Polling place, or precinct polling place* means a location within each precinct where individuals may go to vote in person on election day for poll-based elections.

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

Adopted this 17<sup>th</sup> day of May, 2023.

  
\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

  
\_\_\_\_\_  
Diane Cathcart, Deputy Municipal Clerk