



**OFFICE OF THE MUNICIPAL CLERK/
ELECTION OFFICIAL**

City and Borough of Juneau (CBJ)
155 Heritage Way, Room 215
Juneau, Alaska 99801-1397
Phone: (907)586-5278 Fax: (907)586-4552
email: CBJ.Elections@juneau.gov

April 17, 2025

Karla Hart (via e-mail and USPS)
karlahart@gmail.com
4950 Wren Drive
Juneau, AK 99801

**Re: Response to Petitioner Committee re: “Cruise Ship Limits” Initiative Petition
Affidavit**

Dear Ms. Hart,

CBJ Law and Clerk staff have reviewed the Affidavit of Petitioners Committee “Cruise Ship Limits” submitted on April 7, 2025.

The Law Department has provided the legal review as found in the accompanying April 16, 2025, memo. As such, I have approved the petitioner committee’s affidavit to begin the petition process.

In accordance with CBJ Code 29.10.120, the City Attorney has drafted the following impartial summary which shall appear on the front of each of the petition books and on the ballot if the petition is certified and ends up being placed on the ballot:

IMPARTIAL SUMMARY

This initiative petition proposes to amend the City and Borough of Juneau (CBJ) Code by adding a new section, CBJ 20.50 Cruise Ships. The proposed code creates a daily limit of five (5) large cruise ships, sets a daily limit of 16,000 lower berth capacity Sunday through Friday and 12,000 lower berth capacity on Saturdays, designates a cruise ship season for medium and large cruise ships from May 1 to September 30, and sets an annual limit of 1.5 million lower berth capacity. It requires medium and large cruise ships to get a permit from CBJ and imposes penalties for violating permit restrictions. The proposal defines key terms such as “City and Borough of Juneau,” and “medium” and “large” cruise ships. If voted into law, these rules are effective October 1, 2027.

The petition books, and ballot if it succeeds to that stage, will include the above impartial summary as well as the following question.

INITIATIVE SHORT TITLE: CRUISE SHIP LIMITS

SHALL THE CITY AND BOROUGH OF JUNEAU CODE BE AMENDED AS FOLLOWS:

Section 1. Amendment of Chapter. Title 20, Business Regulations, is amended by creating a new chapter entitled CBJ 20.50 Cruise Ships, with new sections to read as follows:

20.50.010 Cruise Ship Limits. Cruise ship port calls within the boundaries of the City and Borough, at all docks and lightering areas, public and private, are limited as follows:

- (a) a daily limit not to exceed five (5) large cruise ships; and
- (b) a daily limit not to exceed 16,000 available lower berth capacity on any Sunday through Friday, and 12,000 available lower berth capacity on any Saturday; and
- (c) a seasonal limit of no medium and large cruise ships before May 1 or after September 30.
- (d) an annual limit not to exceed 1,500,000 total available passenger lower berth capacity in a calendar year.

20.50.020. Juneau Port Call Permit.

- (a) A Juneau Port Call Permit will be required for every large and medium cruise ship port call in Juneau, at public and private docks and tendering.
- (b) The city manager or the manager's designee shall adopt and enforce regulations under chapter 01.60 to enact Juneau Port Call Permit requirements, conditions, and procedures that ensure the cruise ship limits in 20.50.010 are not exceeded. The regulations may include permit fees to fully cover the costs of the permit program, and permit issuance procedures in the event that demand exceeds capacity.
- (c) In no event may permits be issued that allow any of the limits in 20.50.010 to be exceeded.
- (d) Within a week of issuance, a copy of each permit will be readily available online at juneau.gov in a format that is organized by date of port call for public, cruise passenger and travel agent review to know if a sailing has a permitted stop in Juneau secured, or may not be able to call as advertised.

20.50.030. Penalties.

- (a) The penalty for cruise ships violating 20.50.020 and regulations adopted under 20.50.020, includes, but is not limited to
 - (1) cancellation of future calls of ships within the same company from public dock space; and
 - (2) penalties of up to \$1,000 per gross tonnage per unpermitted port call.
- (b) The municipality may bring suit for injunctive relief where warranted.

20.50.040 - Definitions. Whenever the following words and terms are used in this title they shall have the meaning ascribed to them in this chapter, unless the context clearly indicates otherwise:

Available lower berth capacity is the standard capacity of a cruise ship, usually assuming two people per available cabin.

City and Borough means the entire City and Borough of Juneau, Alaska.

Cruise ship port calls are all cruise ship stops for the purposes of embarking and disembarking passengers to shore.

Medium cruise ship means a cruise ship carrying 250-949 passengers, total capacity.

Large cruise ship means a cruise ship carrying more than 950 passengers, total capacity.

Permit means a Juneau Port Call Permit established under 20.50.020.

Total capacity means the maximum number of passengers that the ship sleeps in berths.

Section 2. Effective Date.

The effective date shall be October 1, 2027

Cruise Ship Limits. Yes ☐

Cruise Ship Limits. No ☐

Also, in accordance with CBJ Code 29.10.120, the inside pages of the petition books will include the full language that your committee submitted including the "Whereas" clauses but the "Whereas" clauses will not be included on the ballot if it proceeds to that stage in the process.

I would strongly encourage you and the circulators to fully read and understand the applicable CBJ Charter/Code provisions governing the initiative process and am attaching copies CBJ Charter and Code sections related to this process.

We will be issuing your petition group seventy-five (75) bound petition booklets, as one instrument, to circulate for your initiative petition. Each booklet contains five pages with room for 10 signatures per page, for a possible total of 50 signatures per booklet. This provides space for a total of **3,750** possible signatures.

CBJ Charter 7.3 states in part: *"A petition for initiative or referendum shall be filed in proper form with the clerk **within thirty days** after the date of issuance of petition pages. The petition shall be signed by a number of qualified municipal voters equal to at least twenty-five percent of the votes cast in the municipality at the preceding regular municipal election."* The number of votes cast at the 2024 Regular Municipal Election was 10,880 so **you will need a minimum of 2,720 valid signatures** of qualified Juneau voters for the petition to be certified. We strongly recommend you collect additional signatures.

Each booklet will need to be assigned to a circulator whose name must be printed on the front cover of the assigned booklet. Circulators must be: (1) a citizen, (2) 18 years of age or older, and (3) a resident of the state. Once that name is printed on a booklet, that booklet may not be swapped between circulators. The circulator is required to sign and attest each page with signatures in the booklet – they are verifying the number of signatures collected on that page, which they will also record in the certification section on the inside back cover. After all signatures for that booklet have been secured, the last page of the booklet contains a certification affidavit which must be completed by the circulator and notarized before the booklet can be turned in. Each signature page of the booklet does not have to be completed in full but once the certification affidavit is signed by the circulator and notarized, no new signatures may be collected in that booklet. **Petition booklets may not be left unattended and must remain in the circulator's custody at all times.**

Petition booklets should be ready for your group to pick up by 2:00p.m., Friday, April 18, 2025. By issuing the books on April 18, the 30-day collection period ends on Sunday, May 18 and in accordance with CBJ Code 29.10.060(b), as amended in Ordinance 2025-14am, the petition books must be filed, as one instrument, in our office no later than **Monday, May 19 at 12:00p.m.**

Per CBJ Code 29.10.060, all petition booklets and copies of booklets must be surrendered to the election official within 60 days of issuance.

If you have any questions regarding this matter, please contact our office at 907-586-5278.

Sincerely,



Elizabeth "Beth" McEwen, MMC
CBJ Municipal Clerk/Election Official

Attachments: Affidavit of Petitioners Committee "Cruise Ship Limits" Initiative
April 16, 2025, Legal Review Memo from CBJ Law Department
CBJ Charter Article VII and CBJ Code 29.10 (including Ord. 2025-14am)
Please also see [CBJ Election Policies & Procedures](#) online re: Petitions 1.1 – 1.4 for reference

cc: City Attorney Emily Wright

INITIATIVE AFFIDAVIT of PETITIONERS COMMITTEE
CITY AND BOROUGH OF JUNEAU ALASKAInitiative Short Title: **Cruise Ship Limits**

WHEREAS, in the face of three new docks for mega ships proposed for Juneau and additional infrastructure developments in the Alaska cruise route that will allow more and bigger ships; and

WHEREAS, this initiative codifies daily limits negotiated and agreed upon by the cruise industry and city staff, and approved by the City and Borough of Juneau Assembly in 2023 and 2024 non-binding memorandums of agreement; and

WHEREAS, this initiative sets a total annual limit that will cap cruise passenger numbers under 1.6 million; and

WHEREAS, codifying limits recognizes the need to preserve resident and visitor experiences, provide a predictable market for the many local businesses that rely on the cruise industry, and respect locals' calls for real community limits on the cruise industry and related impacts; and

WHEREAS, city code can be amended by the Assembly or initiative to reflect changing desires of the community, for more or fewer visitors.

SHALL THE CITY AND BOROUGH OF JUNEAU CODE BE AMENDED AS FOLLOWS:

Section 1. Amendment of Chapter. Title 20, Business Regulations, is amended by creating a new chapter entitled CBJ 20.50 Cruise Ships, with new sections to read as follows:

20.50.010 Cruise Ship Limits. Cruise ship port calls within the boundaries of the City and Borough, at all docks and lightering areas, public and private, are limited as follows:

- (a) a daily limit not to exceed five (5) large cruise ships; and
- (b) a daily limit not to exceed 16,000 available lower berth capacity on any Sunday through Friday, and 12,000 available lower berth capacity on any Saturday; and
- (c) a seasonal limit of no medium and large cruise ships before May 1 or after September 30.
- (d) an annual limit not to exceed 1,500,000 total available passenger lower berth capacity in a calendar year.

20.50.020. Juneau Port Call Permit.

(a) A Juneau Port Call Permit will be required for every large and medium cruise ship port call in Juneau, at public and private docks and tendering.

(b) The city manager or the manager's designee shall adopt and enforce regulations under chapter 01.60 to enact Juneau Port Call Permit requirements, conditions, and procedures that ensure the cruise ship limits in 20.50.010 are not exceeded. The regulations may include permit

fees to fully cover the costs of the permit program, and permit issuance procedures in the event that demand exceeds capacity.

(c) In no event may permits be issued that allow any of the limits in 20.50.010 to be exceeded.

(d) Within a week of issuance, a copy of each permit will be readily available online at juneau.gov in a format that is organized by date of port call for public, cruise passenger and travel agent review to know if a sailing has a permitted stop in Juneau secured, or may not be able to call as advertised.

20.50.030. Penalties.

(a) The penalty for cruise ships violating 20.50.020 and regulations adopted under 20.50.020, includes, but is not limited to

(1) cancellation of future calls of ships within the same company from public dock space; and

(2) penalties of up to \$1,000 per gross tonnage per unpermitted port call.

(b) The municipality may bring suit for injunctive relief where warranted.

20.50.040 - Definitions. Whenever the following words and terms are used in this title they shall have the meaning ascribed to them in this chapter, unless the context clearly indicates otherwise:

Available lower berth capacity is the standard capacity of a cruise ship, usually assuming two people per available cabin.

City and Borough means the entire City and Borough of Juneau, Alaska.

Cruise ship port calls are all cruise ship stops for the purposes of embarking and disembarking passengers to shore.

Medium cruise ship means a cruise ship carrying 250-949 passengers, total capacity.

Large cruise ship means a cruise ship carrying more than 950 passengers, total capacity.

Permit means a Juneau Port Call Permit established under 20.50.020.

Total capacity means the maximum number of passengers that the ship sleeps in berths.

Section 2. Effective Date.

The effective date shall be October 1, 2027

Cruise Ship Limits. Yes ☐

Cruise Ship Limits. No ☐

CBJ CLERK

APR 07 2025

RECEIVED

The following qualified registered voters and residents of the City and Borough of Juneau, Alaska state under oath that they constitute the petitioners committee for the above referenced initiative. The coalition has been formed and will be responsible for circulating booklets for voter signatures.

All notices should be mailed to:

Name: Karla Hart

Address: 4950 Wren Drive, Juneau, Alaska 99801

Phone: 907-957-6723

Email address: karlahart@gmail.com

Dated this 7th day of April 2025

Printed Legal Names and Mailing Addresses of Each Member of the Petitioner's Committee:

1. Karla Hart, 4950 Wren Drive, Juneau, AK 99801
2. Robin Victoria Rhoads, 2980 Simpson Avenue, Juneau, AK 99801
3. William C. Leighty, PO Box 20993, Juneau, Alaska 99802
4. Andrew Rickey Kalk, 2980 Simpson Avenue, Juneau, AK 99801
5. Bailey Williams, 4893 Thane Road, Juneau, AK 99801

CBJ CLERK

APR 07 2025

RECEIVED

CBJ CLERK
APR 07 2025
RECEIVED

AFFIDAVIT OF PETITIONERS COMMITTEE

Initiative Short Title: Cruise Ship Limits

Karla Hart (Signature of Petitioner)

Printed Legal Name of Petitioner: Karla Hart

Residence and Mailing Address: 4950 Wren Drive, Juneau, Alaska 99801

Date of Birth: [REDACTED]

Robin Victoria Rhoads (Signature of Petitioner)

Printed Legal Name of Petitioner: Robin Victoria Rhoads

Residence and Mailing Address: 2908 Simpson Avenue, Juneau, Alaska 99801

Date of Birth: [REDACTED]

William C. Leighty (Signature of Petitioner)

Printed Legal Name of Petitioner: William C. Leighty

Residence Address: 227 Gastineau Avenue, Juneau, Alaska 99801

Mailing Address: PO Box 20993, Juneau, Alaska 99802

Date of Birth: [REDACTED]

State of Alaska
Judicial District First SS

On this 7th day of April in the year 2025 before me, the undersigned notary public, personally appeared: Karla Hart, Robin Victoria Rhoads, and William C. Leighty, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

Stacy Eldemar SEAL:
Notary Public (signature)

STACY ELDEMAR
Notary's Printed Name

My commission expires: 16 APR 2025



JUNEAU, AK
FIRST JUDICIAL DISTRICT

CBJ CLERK

APR 07 2025

RECEIVED

AFFIDAVIT OF PETITIONERS COMMITTEE

Initiative Short Title: Cruise Ship Limits

[Signature]

(Signature of Petitioner)

Printed Legal Name of Petitioner: Andrew Rickey Kalk

Residence and Mailing Address: 2908 Simpson Avenue, Juneau, Alaska 99801

Date of Birth: [REDACTED]

[Signature]

(Signature of Petitioner)

Printed Legal Name of Petitioner: Bailey Williams

Residence Address: 4893 Thane Rd, Juneau, AK 99801

Mailing Address: Same

Date of Birth: [REDACTED]

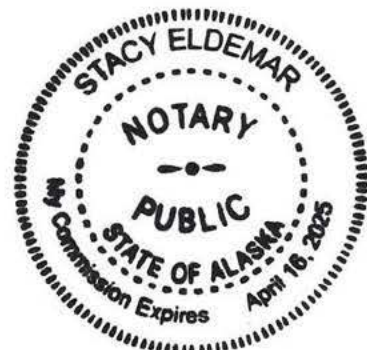
State of Alaska
Judicial District First SS

On this 7th day of April in the year 2025 before me, the undersigned notary public, personally appeared: Andrew Kalk ; Bailey Williams, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

[Signature]

Notary Public (signature)

SEAL:



STACY ELDEMAR

Notary's Printed Name

My commission expires: 16 APR 2025

JUNEAU, AK
FIRST JUDICIAL DISTRICT

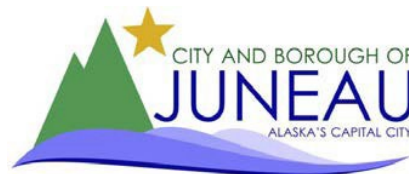
MEMORANDUM

DATE: April 16, 2025

TO: Beth McEwen, CBJ Municipal Clerk

FROM: Emily Wright, CBJ Municipal Attorney

SUBJECT: Certification of Proposed Initiative on Cruise Ship Limits



**LAW
DEPARTMENT**
155 Heritage Way
Juneau, AK 99801
Ph: (907) 586-5242
Fax: (907) 586-4567

You asked whether the proposed initiative “Cruise Ship Limits” should be certified for signature collection. For the following reasons, I recommend that you certify this petition.

I. Introduction

On April 7, 2025, a petitioner’s committee submitted an initiative related to cruise ships. While the Petition includes multiple whereas clauses, the remaining Petition states:

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- (a) A Juneau Port Call Permit will be required for every large and medium cruise ship port call in Juneau, at public and private docks and tendering.
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- (c) In no event may permits be issued that allow any of the limits in 20.50.010 to be exceeded.
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- (b) The municipality may bring suit for injunctive relief where warranted.

20.50.040 - Definitions.

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Large cruise ship means a cruise ship carrying more than 950 passengers, total capacity.

Permit means a Juneau Port Call Permit established under 20.50.020.

Total capacity means the maximum number of passengers that the ship sleeps in berths.

Section 2. Effective Date.

The effective date shall be October 1, 2027

As the City Clerk, you are empowered to make the final certification decision.¹ The following is offered to aid in your analysis and conclusion.

II. Legal Background

The Alaska Constitution Article XI, the City and Borough of Juneau (CBJ) Charter Section 7, and the provisions of CBJ Code Chapter 29.10 provide the framework for initiative petitions submitted by citizens of Juneau.²

CBJ Charter provision 7.1 sets out the parameters for an initiative (or referendum) and 7.2 sets forth the requirements to commence the initiative (or referendum).

7.1 The powers of the initiative and referendum are reserved to the people of the municipality with reference to all legislative authority which the assembly may exercise except that the powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances or other measures appropriating funds, provided, however, that this limitation on the powers of initiative and referendum shall not be construed to limit the power of the people to approve pursuant to Section 9.7 of this Charter a millage rate in excess of that otherwise imposed thereby.

7.2 (a) Any five qualified municipal voters may commence initiative or referendum proceedings by filing with the clerk an affidavit stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall include the names and addresses of the members of the petitioners committee and shall specify the address to which all notices to the committee shall be sent. The affidavit shall set out in full the proposed initiative ordinance, resolution, or other measure; or cite the ordinance, resolution, or other measure to be referred.

Chapter 29.10 provides further guidance regarding the review and certification of an affidavit:

(b) Certification shall be denied if:

¹ *Alaska Action Ctr., Inc. v. Municipality of Anchorage*, 84 P.3d 989, 992 (Alaska 2004) (concluding the Municipal Clerk has discretion to reject an initiative if it violates any of the restrictions on an initiative).

² *Alaska Constitution*, Article XI, Section 1; *CBJ Charter Article 7*; *Anchorage Citizens for Taxi Reform v. Municipality of Anchorage* (“*Anchorage Citizens*”), 151 P.3d 418, 422 (Alaska 2006) (applying the Alaska Constitution initiative provisions to a unified/home rule municipality).

- (1) The affidavit is not substantially in the required form;
 - (2) The proposed measure to be initiated is not in the required form; or
 - (3) There are fewer than five qualified members on the committee.
- (c) The proposed measure to be initiated shall be in the following form:
- (1) The measure shall be confined to one subject;
 - (2) The measure may not include subjects restricted by Charter section 7.1 or article XI, section 7 of the Alaska Constitution.

III. Review

The number of cruise ship passengers arriving in the CBJ has been steadily rising for many years. With this rise, we have seen discussion between community members intensify. Last year, the voters were asked to weigh in on the *2024 Ship Free Saturdays* initiative. The final vote results showed the initiative failed 4196 to 6575.³ The current Petition once again addresses cruise ships, incorporating concepts set forth by the Visitor Industry Task Force, language found in CBJ *Memoranda of Agreements* with the cruise lines, incorporating five ship limits, creating a cruise line permit program, limiting the season calendar, and capping the total seasonal passenger debarkation.

The use of the initiative process for the people to propose legislation was a subject of long and healthy debate during the constitutional convention. Ultimately, the framers decided that the people, with some restrictions, must have the ability to legislate, as Colonel Marston commented:

When a man says "I don't like that", you can say "You have a right." The people themselves can go into the courts of the land to have your word made law by a certain procedure. I hope that we pass the initiative, referendum and recall, and I hope we never have the occasion to use it. I think it is a great thing to have it in the hands of the people, and you will notice that the Western states are the ones that passed and used the initiative, referendum and recall, and we are Western and Northern, the same kind of people. We are explosive people. We like to express ourselves, and I can see miners back in the camps thinking over things that have not been right, and fishermen in their little boats wondering why. Now they can say, "We can correct that thing", and though they never use it, it is a great healthy thing to have in the hands of the people.⁴

With this philosophy and background in mind, below I will review the form requirements for certification.

(a) One Subject

The proposed ordinance establishes new sections of code setting forth the parameters of cruise ship port calls within the CBJ. The ordinance proposes limits to annual capacity, defines the cruise ship season for medium and large ships, and creates permit and penalty code provisions. This Petition also incorporates current daily ship and passenger agreements between the City and Borough of Juneau and cruise lines docking in Juneau. A similar ballot initiative was proposed in Sitka, Alaska on November 29, 2024, and certified on December 16, 2024. While the petition proposes multiple sections of code, the subject area is appropriately limited to one subject and therefore proper in form.

³ <https://juneau.org/wp-content/uploads/2024/10/2024-10-15-Certified-Results-of-October-1-2024-Regular-Municipal-Election.pdf>

⁴ <https://www.akleg.gov/pdf/billfiles/ConstitutionalConvention/Proceedings/Proceedings%20-%20Complete.pdf>, page 959.

(b) Restricted Subjects

Charter Section 7.1 discussed the limitations on subjects that may be brought forth by petition, stating, in relevant, part “except that the powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances or other measures appropriating funds.” The petitioner in this case has experience in presenting petitions to the citizens of the CBJ, and there has been prior analysis of the main triggers for restricted subjects. Perhaps the most frequent, is the prohibition on appropriations.

While some appropriations may be obvious, i.e. a proposal explicitly requiring the expenditure of city funds, the creation of a city run permit program requires a more careful review. The Alaska Supreme Court has provided guidance to assist in determining whether something is an appropriation, providing:

We employ a two-part inquiry to determine whether an initiative makes an appropriation of state assets in violation of article XI, section 7. First we must determine “whether the initiative deals with a public asset.” Second, if the initiative deals with a public asset, then we must determine “whether the initiative would appropriate that asset.”...

In evaluating whether an initiative that deals with a state asset appropriates that asset, we look to “two core objectives” of the prohibition against appropriation by initiative. Those objectives are (1) “to prevent give-away programs that appeal to the self-interest of voters and endanger the state treasury,” and (2) “to preserve legislative discretion by ensuring that the legislature, and *only* the legislature, retains control over the allocation of state assets among competing needs.”⁵

The subject of the Petition, cruise ships within the waters of the CBJ, certainly deals with public assets. There is no language that indicates that this is a prohibited “give-away program”, as it applies broadly and comprehensively.⁶ The language governs public and private docks equally and regulates the use, control, and presence of commercial activities within the City and Borough. The Assembly and Docks and Harbor Board retain the ability to legislate and regulate; retaining public control of the assets. Therefore, with regards to the Petition as a whole, there is not a restricted appropriation proposed.

At a more granular level, it is also beneficial to review the permit program created in this Petition. This new program necessitates staff time, city resources, and extensive administrative output. While a public asset is at play, the mere creation of a city program does not mean that a restricted appropriation is present.⁷ The Alaska Supreme Court has noted that “[t]he reason for prohibiting appropriations by initiative is to ensure that the legislature, and *only* the legislature, retains control over the allocation of state assets among competing needs.”⁸ As presented, the Petition does not seek to designate City funds and specifically includes permit fees to cover the programmatic costs. Here, the

⁵ *Hughes v. Treadwell*, 341 P.3d 1121, 1125–26 (Alaska 2015) (quoting *McAlpine v. Univ. of Alaska*, 762 P.2d 81 (Alaska 1988)).

⁶ *City of Fairbanks v. Fairbanks Convention & Visitors Bureau*, 818 P.2d 1153, 1157 (Alaska 1991) (“First, the initiative is not a give-away program. No particular group or person or entity is targeted to receive state money or property, nor is there any indication that by passing this initiative, the voters would be voting themselves money.”).

⁷ *McAlpine v. University of Alaska*, 762 P.2d 81 (Alaska 1988).

⁸ *Id.* at 88.

language preserves CBJ's legislative discretion and control over city assets and coffers.⁹

(c) Clearly Unconstitutional or Illegal

Likely, there will be much feedback and legal analysis done in response to this Petition, as we have seen over the past few years. Often the focus of criticism is on federal constitutional arguments such as the Takings Clause, the Commerce Clause, or the Tonnage Clause. However, most substantive constitutional challenges are generally not ripe until after voter enactment unless the initiative is clearly unconstitutional or illegal.¹⁰

The question of whether and how to restrict cruise ships is not an issue unique to the City and Borough of Juneau. Until recently, this topic had little guiding case law. However, the debate between federal law, state law, and local control, is front and center in Bar Harbor, Maine. Last year, the Federal District Court in Maine issued a decision concluding that a local initiative process may restrict cruise ship visitation, despite a plethora of federal constitutional challenges.¹¹ Understanding this, the Petition presented cannot be rejected as clearly illegal. Any challenge would become ripe post-enactment.

IV. Conclusion

I recommend that this Petition be certified and you issue signature booklets.

⁹ Of note, the Sitka ballot initiative included a similar program and was determined to not be a restricted appropriation. See page 7. https://static1.squarespace.com/static/65724bf4fb54381aa7298382/t/676220e261a2b966845069f7/1734484208870/FINAL_Leccese+Edwards+Initiative+Response_121624+%28OCR%27d%29.pdf

¹⁰ CBJC 29.10.025(b)(2) & (c)(2); *Price*, 331 P.3d at 359; *Anchorage Citizens*, 151 P.3d at 422 n. 2 (“The municipal clerk may not reject the measure on other constitutional grounds unless controlling authority leaves no room for argument about its unconstitutionality.”); *Mahoney*, 71 P.3d at 899-900; *Carmony v. McKechnie*, 217 P.3d 818, 820 (Alaska 2009) (stating that a court may review a challenged initiative under a “clearly unconstitutional or clearly unlawful” standard pre-enactment). See also, *Anchorage Citizens*, 151 P.3d at 421 (“...any constitutional takings discussion here would be premature and could unduly affect the initiative process”).

¹¹ *Ass'n to Pres. & Protect Loc. Livelihoods v. Town of Bar Harbor*, 721 F. Supp. 3d 56, 78-79 (D. Me. Mar. 1, 2024).

ARTICLE VII. INITIATIVE AND REFERENDUM¹

Section 7.1. Reservation of powers.

The powers of the initiative and referendum are reserved to the people of the municipality with reference to all legislative authority which the assembly may exercise except that the powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances or other measures appropriating funds, provided, however, that this limitation on the powers of initiative and referendum shall not be construed to limit the power of the people to approve pursuant to Section 9.7 of this Charter a millage rate in excess of that otherwise imposed thereby.

(Adopted by the voters on October 3, 1995, regular election.)

Section 7.2. Commencement of proceedings.

- (a) Any five qualified municipal voters may commence initiative or referendum proceedings by filing with the clerk an affidavit stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall include the names and addresses of the members of the petitioners committee and shall specify the address to which all notices to the committee shall be sent. The affidavit shall set out in full the proposed initiative ordinance, resolution, or other measure; or cite the ordinance, resolution, or other measure to be referred.
- (b) Promptly after the filing of a proper affidavit, the clerk shall issue the appropriate petition pages to the petitioners committee.

Section 7.3. Petition.

A petition for initiative or referendum shall be filed in proper form with the clerk within thirty days after the date of issuance of petition pages. The petition shall be signed by a number of qualified municipal voters equal to at least twenty-five percent of the votes cast in the municipality at the preceding regular municipal election. If the subject matter of the petition relates only to a service area, the petition shall be signed by a number of qualified voters residing within the service area equal to at least twenty-five percent of the votes cast in the service area at the preceding regular municipal election. A petition shall be limited to one ordinance, resolution, or other measures.

Section 7.4. Form of petition.

- (a) All pages of a petition shall be uniform in size and style. They shall be assembled as one instrument for filing. Each signature shall be executed in ink, and shall be followed by the residence address of the person signing.
- (b) Petitions shall contain or have attached to them throughout their circulation the full text of the proposed initiative or referred measure.

¹State law reference(s)—Charter must contain provision for initiative and referendum, AS 29.06.320; initiative and referendum, AS 29.10.030; prohibited subjects, AK. Const. art. XI, § 7.

Section 7.5. Affidavit of circulator.

When filed each page of a petition shall have attached to it an affidavit executed by the circulator of the petition. The affidavit shall state the number of signatures on the page, that the circulator personally circulated the page, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, that each signer had an opportunity before signing to read the full text of the proposed initiative or referred measure, and that the circulator believes each signer to be a qualified municipal voter.

(Serial No. 90-30, § 8, 1990/10-2-1990)

Section 7.6. Examination for sufficiency.

Within ten days following the date on which the petition is filed in proper form, the clerk shall certify the petition if it bears the required number of signatures. The clerk shall send a copy of the certification to the petitioners committee by certified mail, return receipt requested.

(Serial No. 90-30, § 8, 1990)

Section 7.7. Supplemental petition.

If the petition is determined to be insufficient, the clerk shall send notice of insufficiency to the petitioners committee by certified mail, return receipt requested. The petition may be supplemented by additional signatures within ten days following the date of receipt of the notice. Within ten days following the date of supplementary filing in proper form, the clerk shall certify the petition if it is sufficient. Otherwise, the petition shall be rejected and filed as a public record.

Section 7.8. New petition.

Failure to secure sufficient signatures shall not preclude the filing of a new initiative or referendum petition, except that a new petition shall not be filed sooner than six months after a petition which was diligently pursued is rejected on the same or substantially the same matter.

Section 7.9. Withdrawal of signature.

A person who has signed an initiative or referendum petition may withdraw the signature at any time prior to the date of filing of the petition or the required supplementary petition by filing with the clerk a signed statement requesting withdrawal.

(Serial No. 90-30, § 8, 1990)

Section 7.10. Action on petitions.

- (a) When an initiative or referendum petition has been determined sufficient, the clerk immediately shall submit it to the assembly. If the assembly fails to adopt a proposed initiative measure without any change in substance within forty-five days or fails to repeal the referred measure within thirty days after the date the petition was determined sufficient, it shall submit the proposed initiative or referred measure to the electorate of the municipality. If the subject matter of the proposed initiative or referred measure relates only to a service area, the measure shall be submitted only to the electorate of the service area.

-
- (b) The election on a proposed initiative or referred measure shall be held at the next regular election, or, if already scheduled, a special election occurring not sooner than 90 days from the last day on which the assembly action may be completed on the proposed initiative or referred measure. If no regular election is scheduled to occur within 75 days after the certification of a petition and the Assembly determines it is in the best interest of the municipality, the Assembly may, by ordinance, order a special election to be held on the matter before the next scheduled election. The notice of election shall contain at least a summary of the proposed initiative or referred measure.
 - (c) Copies of the proposed initiative or referred measure shall be available for distribution to the public at the office of the clerk within a reasonable time before the initiative or referendum election and shall be available for distribution to the voters at the polls.

(Serial No. 2005-18(am), § 3, 2005/10-4-2005)

Section 7.11. Results of election.

If a majority of the qualified voters voting on a proposed initiative measure vote in its favor, it shall be adopted upon certification of the election and shall be treated in all respects in the same manner as if adopted by the assembly. If a majority of the qualified voters voting on a referred measure vote for repeal, it shall be considered repealed upon certification of the election. If conflicting measures are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

Section 7.12. Suspension of referred measures.

- (a) When a referred measure has not taken effect, it shall be suspended upon the taking out of a petition by the petitioners committee. The suspension shall terminate when there is a final determination of insufficiency of the petition, no petition is filed within thirty days after the issuance of petition papers, or a majority vote against repeal of a referred measure has been certified.
- (b) The provisions of (a) of this section do not apply to emergency measures enacted to meet a public emergency.

Section 7.13. Effect of election.

- (a) The assembly shall not, within one year of certification of the election, act in any way to modify or negate the effect of an initiative or referred measure.
- (b) An election on an initiative or referred measure shall preclude the filing of a new initiative or referendum petition on the same or substantially the same matter sooner than one year after voter approval or disapproval of the initiative or referendum.

Code of Ordinances

Supplement 161

Online content updated on April 3, 2025

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COMPILED LAWS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA Codified through Serial No. 2024-49, adopted January 6, 2025, effective February 5, 2025. (Supp. No. 161)

Chapter 29.10 INITIATIVE AND REFERENDUM²

29.10.010 Purpose.

It is the purpose of this chapter to define and clarify the procedures to be followed in initiative and referendum proceedings authorized under article 7 of the Charter of the City and Borough of Juneau. 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 ensure 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 municipality and on the published voter registration records of the state.

(Serial No. 78-3, § 2, 1978)

29.10.020 Attorney assistance on initiative petitions.

- (a) The five qualified municipal voters who desire to commence initiative proceedings under Section 7.2 of the Charter may, prior to submission of their affidavit to the election official, submit a copy of the affidavit and the proposed ordinance, resolution or other measure to be initiated to the City and Borough attorney with a request that it be reviewed by the attorney. The attorney may refuse the request for review, but shall do so immediately upon receipt of the request and shall notify the petitioners' committee of the refusal at the address set forth in its affidavit. The notice of refusal shall contain the reason the attorney is unable to review the initiative. Such reasons include insufficient time to accomplish an immediate review and a conflict of interest.
- (b) If the attorney accepts the request for review, the review shall be accomplished as rapidly as possible. The attorney shall review the proposed measure for form, content and conflict with existing law, ordinances, resolutions and other measures. The attorney shall suggest language changes deemed appropriate and shall provide an explanation of the basis for the suggested changes and the effect of such changes. The attorney shall have no authority to rewrite or require the rewriting of any part of a proposed measure.
- (c) Immediately upon completion of review of the measure to be initiated, the attorney shall provide the committee with a copy of the comments and suggested changes.
- (d) If the committee makes any changes to the proposed measure subsequent to receipt of the attorney's comments, it may again submit the measure to the attorney for review and comment.
- (e) It is the purpose of this section to authorize minimum, corrective legal assistance in order to make groups desiring to initiate measures aware of legal problem areas which may arise if a proposed initiative is adopted in a particular form.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 28, 1998; Serial No. 2001-28, § 2, 6-4-2001)

²Charter reference(s)—Initiative and referendum, art. VII.

Cross reference(s)—Ordinances, CBJ Code ch. 01.20.

29.10.025 Certification of petitioners' committee affidavit.

- (a) The committee shall submit the affidavit to the election official who shall within 15 working days either certify it or notify the initiative committee of the grounds for denial.
- (b) Certification shall be denied if:
 - (1) The affidavit is not substantially in the required form;
 - (2) The proposed measure to be initiated is not in the required form; or
 - (3) There are fewer than five qualified members on the committee.
- (c) The proposed measure to be initiated shall be in the following form:
 - (1) The measure shall be confined to one subject;
 - (2) The measure may not include subjects restricted by Charter section 7.1 or article XI, section 7 of the Alaska Constitution.

(Serial No. 2000-10, § 3, 5-15-2000)

29.10.030 Petition format.

- (a) The petition form prepared by the election official for issuance to the petitioners' committee shall be in substantial compliance with this section.
- (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, a space for 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, and a petition booklet number. On the back of the cover sheet, the election official shall cause to have printed a notice to the petition signers that signatures must be in ink, the residence address, mailing address, and printed name must be legible, that the signer must be a registered voter and have been a resident of the City and Borough for the immediately preceding 30 days, and the acceptable and unacceptable forms of residence address which appear in subsections 29.10.090(b) and (c).
- (c) The second and such subsequent pages as are necessary shall contain a space for 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. Qualified voters signing the petition shall provide their printed name, signature, residence address, and one personal identifier—which can be 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 voter's Social Security number, or the voter's year of birth, mailing address and zip code, length of residence in City and Borough, and date signed. The election official 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 in the same form as the name appears on the state voter registration rolls, the printed name, personal identifier, and residence address must be legible and the signer must indicate his or her length of address in the City and Borough immediately preceding signing the petition.

-
- (e) The signature page shall contain the affidavit of the circulator as required by section 7.5 of the Charter.
 - (f) Each booklet shall be assembled by the election official and all pages within each booklet shall be stapled or otherwise fastened together.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, §§ 29, 30, 31, 32, 1998; Serial No. 2001-28, § 2, 6-4-2001; Serial No. 2014-37(c), § 6, 6-30-2014, eff. 7-31-2014; Serial No. 2022-24(am), § 21, 6-13-2022, eff. 7-13-2022)

29.10.040 Instructions to petitioners.

The election official shall issue written instructions to the petitioners' committee setting forth the requirement that to be valid the signature line must contain the signature in ink, the legible printed name, the legible residence address of the municipal voter signing the petition, one personal identifier, and the length of residence in the City and Borough. The instructions shall also include the types of addresses which are and are not acceptable as residence addresses.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 33, 1998; Serial No. 2022-24(am), § 22, 6-13-2022, eff. 7-13-2022)

Charter reference(s)—Signatory requirements, § 7.5.

29.10.050 Objection to petition form or instructions.

- (a) Objections to the form of the petition or the instructions issued by the election official shall be made in writing by the petitioners' committee prior to the expiration of the third working day of the 30-day petition period. The election official shall immediately consider timely filed objections and take such action as appropriate. If it is necessary, in the election official's judgment, to make a change in the petition form as issued, the election official shall issue new petitions.
- (b) If the election official issues new petitions under this section, the 30-day period for the collection of signatures shall be counted from the date the election official issues the corrected petitions to the petitioners' committee. Signatures gathered on the first-issued petitions shall be invalid regardless of the date upon which signatures are obtained.
- (c) Objections not filed with the election official as provided in this section shall be deemed waived for all purposes.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 34, 1998)

29.10.060 Submission and receipt of petitions.

- (a) The petitioners' committee shall file the petitions as a single instrument. After the filing, no additional petition booklets may be received by the election official 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 municipal business hours. If the last day of the period falls on a Saturday which is not a City and Borough holiday, the election official shall make arrangements with the petitioners' committee to receive the petitions at the election official's office at or before 4:30 p.m. on that Saturday. If the last day of the period falls on a Sunday or other City and Borough holiday, the petitioners' committee may file the petition not later than 9:00 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 election official 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 circulator.
 - (d) Due to potential confidential voter information contained in petition booklets, all petition booklets and copies of booklets must be surrendered to the election official within 60 days of issuance.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 35, 1998; Serial No. 2022-24(am), § 23, 6-13-2022, eff. 7-13-2022)

29.10.070 Supplemental petition.

- (a) If the election official determines that there is an insufficient number of valid signatures on the petitions filed during the 30-day period, the election official shall send notice of the insufficiency to the petitioners' committee by certified mail, return receipt requested. The petitioners' committee shall have an additional ten days from receipt of the notice to gather additional signatures on petitions supplied to the committee by the election official for that purpose. The petitions supplied by the election official for the supplemental period shall be in the format specified in section 29.10.030, except that the signature page numbering shall not duplicate that used for the 30-day period.
- (b) Petitions shall be submitted and received in the manner provided in section 29.10.060.
- (c) No signatures obtained on booklets issued during the first 30-day period shall be valid if submitted with the supplemental petition.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 36, 1998)

Charter reference(s)—Supplemental petition, § 7.7.

29.10.080 Validation of signatures.

- (a) The election official shall reject the signature of any person whose name does not appear on the voter registration list available from the state elections office and who is determined by the state elections office to be a person who is not registered on the day the election official requests state verification of the voter status of the person.
- (b) The election official shall reject the signature of any person whose signed and printed name are so illegible that the election official cannot identify the name; provided, however, the election official may accept an otherwise illegible name if the voter has provided adequate personal identifying information and the legible address information given by the person corresponds to voter registration information of the person registered to the personally identifying information given.
- (c) The election official 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 election official shall reject the signature of any person whose signature is not executed in ink.
- (e) The election official shall reject the signature of any person who had not been a resident of Juneau for the 30 days immediately preceding the date the person signed the petition.

-
- (f) The election official shall reject the signature of any person who fails to provide a legible and adequate residence address as provided in section 29.10.090.
 - (g) The election official 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 election official is able to determine from the voter's personal identifying information or the address information from the state elections office that the signature is that of a registered voter.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 37, 1998; Serial No. 2014-37(c), § 7, 6-30-2014, eff. 7-31-2014; Serial No. 2022-24(am), § 24, 6-13-2022, eff. 7-13-2022)

29.10.090 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 City and Borough of Juneau area if such person is given the residence address information which appears on the petition, the official map of the City and Borough of Juneau, the approved house numbering maps of the City and Borough of Juneau, 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 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, Juneau, Douglas, Auke Bay, Vanderbilt Hill, Pinewood Park, Mendenhaven, Back Loop 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 election official, 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.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 38, 1998; Serial No. 2001-28, § 2, 6-4-2001)

29.10.100 Petition and signature rejection for other reasons.

- (a) If any allegation of fraud or misconduct is filed with the election official prior to the certification or notice of insufficiency of the petitions, the election official 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 circulator has either failed to do any act or had no reasonable basis for a belief to which the petition circulator is required to swear under section 7.5 of the Charter.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, §§ 39, 40, 1998)

State law reference(s)—Petition offenses, AS 15.56.090.

29.10.110 Termination of suspension of ordinance effective date.

An ordinance which has been suspended by the operation of section 7.12 of the Charter shall become effective five working days after notice of insufficiency has been delivered to the petitioners' committee unless an appeal of the municipal clerk's decision is filed within that time.

(Serial No. 78-3, § 2, 1978).

Charter reference(s)—Suspension of referred measures, § 7.12.

Presented by: The Manager
Presented: 02/03/2025
Drafted by: Law Department

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2025-14am

An Ordinance Amending the City and Borough Title 29 Code Relating to Elections Processes and Procedures.

WHEREAS, the City and Borough of Juneau seeks to establish election policies and rules of procedures that are understandable and easily accessible to the citizens; and

WHEREAS, the City and Borough of Juneau seeks to create processes that allow elections to adapt to changes in technology while remaining secure; and

WHEREAS, the City and Borough of Juneau seeks to remove redundancies and unnecessary complexities that may limit citizen participation in its election system.

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. Chapter 29.07, Election Procedures, is amended as follows:

Chapter 29.07 ELECTION PROCEDURES

1
2 **29.07.005 Election policies established and rules of procedure.**

3 The election official shall establish election policies and rules of procedure in writing and
4 post them on the City and Borough website at least 40 days before an election to expedite the
5 process and to guarantee the integrity of the election. Election policies and rules of procedures
6 may not be changed at any point within 40 days of the election through the final certification of
7 the election, and will remain in effect until superseded by any updated version. Election policies
8 and rules of procedures will be governed by CBJ Charter and Codes, except when superseded by
9 Alaska Statute. The Clerk' office is required to keep the Assembly apprised of all significant
10 changes, and will provide an annual report to the Human Resources Committee.

11
12 **29.07.010 Election times; notice.**

- 13 (a) *{Election method.}* The Election Official will conduct all elections by mail, unless
14 otherwise directed by the Assembly.
- 15 (b) *Time of regular elections.* Annually, on the first Tuesday of October of each year, a
16 regular election shall be held in the City and Borough of Juneau for the election of vacant
17 City and Borough of Juneau offices, and for the determination of other matters as may
18 regularly be placed on the ballot.
- 19 (c) *Time of special elections.* Except as provided in CBJ Charter Section 7.10(b), the
20 assembly, by motion, resolution, or adoption of an ordinance, may call a special election
21 at any time. Unless the assembly has set a date for a required special election, the
22 election official shall call a special election when required by law, charter, or ordinance,
23 to place an initiative, referendum, recall, or other question before the voters.
- 24 (d) *Voting hours.* On election day, vote centers, or precinct locations in a poll-based election,
25 ~~precinct locations~~, will be open from 7:00 a.m. to 8:00 p.m. Ballots must be ~~received by~~

1
2 ~~the election official~~, placed in an officially designated ballot drop box, or received at a
3 vote center ~~all~~ by 8:00 p.m. on election day, or be postmarked by the post office on or
4 before election day. Any voter waiting in line at a vote center, polling precinct, or
5 officially designated ~~Any ballots cast by a voter present in line awaiting the opportunity~~
6 ~~to vote at a vote center or to drop a ballot into one of the secure ballot drop box boxes~~ at
7 8:00 p.m. on election day will be considered to have ~~as having been~~ voted in a timely
8 manner.
9

10 (e) *Notice of election.* The City and Borough of Juneau Election Official shall publish ~~cause~~
11 ~~to be published~~ a notice of election during three consecutive calendar weeks, once in each
12 week, ~~in a newspaper of general circulation~~ in the City and Borough of Juneau. The first
13 ~~such~~ publication, and the posting, shall be accomplished at least 30 days before the
14 election.
15

16 (f) *Contents of election notices.* ~~Notices of election shall state how the election is to be~~
17 ~~conducted; by mail or poll-based.~~ For each election, the notice of election published
18 pursuant to CBJC 29.07.010(e), shall include:

- 19 (1) The date and type of the election, regular or special, and the method by which the
20 election is being conducted, by mail or poll-based;
21 (2) Qualifications of voters as established in Charter § 6.3;
22 (3) The offices to be filled, the propositions submitted to the electors, and the full text
23 of any proposed charter amendment; ~~and~~
24 (4) An explanation that in-person voting will be available at vote centers on election
25 day, but no polling places will be in operation;
(5) The date by which ballots will be mailed to voters;

- 1
- 2 (6) Instructions to voters who will not be at their current mailing addresses when the
- 3 ballots are to be mailed or who do not receive their ballot through the mail;
- 4 (7) A listing of vote center and officially designated ballot drop box locations and
- 5 hours; and
- 6 (8) An explanation of by mail voting deadlines; or
- 7 (9) If conducted as a poll-based election, in addition to (1) through (3), the location
- 8 and hours of precinct polling places for early voting and regular in-person voting
- 9 on election day.
- 10

11 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

12 **Charter reference**— Date of regular elections, § 6.1; date of special elections, § 6.2; 30-day

13 notice of election required, §§ 6.1, 6.2; bond elections, § 10.1 et seq.

14 **29.07.020 Election officials.**

- 15 (a) The City and Borough of Juneau Municipal Clerk is the City and Borough of Juneau
- 16 Election Official. Any properly authorized assistant to the City and Borough of Juneau
- 17 Municipal Clerk ~~or other person designated by the manager~~ shall be an assistant City
- 18 and Borough of Juneau Election Official and may perform any functions set out in this
- 19 chapter or the election policies and rules of procedure as a function of the City and
- 20 Borough of Juneau Election Official.
- 21
- 22 (1) The election official may contract, without obtaining competitive bids, any
- 23 portions of the election process with the State of Alaska Division of Elections,
- 24 other governmental entity or agency, or contractor to ensure the timely and
- 25 secure conduct of a particular election.

(2) Each election worker must be a qualified voter of Alaska, or a youth aged 16 or 17 providing assistance to election officials in accordance with election policies and rules of procedure.

(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 _____."

(Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

State Law reference— Oath, AS 15.15.110.

29.07.040 Multimember races ~~Candidate districts.~~

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 information

1
2 ~~sufficient to determine whether the voter is a qualified Juneau voter. the voter's place of~~
3 ~~residence, by street and number, lot and block, or other sufficient means.~~

4 (b) Nominating petitions shall meet the following requirements:

5 ~~(1) Petitions must include a certification providing:~~

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

13
14 ~~(2) Qualified voters signing the petition shall provide their printed name, signature,~~
15 ~~residence address, one identifier which can be either the last four digits of the~~
16 ~~voter's registration identification number, the last four digits of the voter's~~
17 ~~driver's license or state identification number, the last four digits of the Social~~
18 ~~Security number, or the year of birth and the date of signing the petition.~~

19
20 ~~(1)(3)~~ Nominating petitions shall have a minimum of 25 signatures of registered voters
21 from within the City and Borough.

22 ~~(2)(4)~~ The nominating petition shall contain a signed declaration of candidacy by any
23 candidate wishing to run for office, which shall be executed under oath before an
24 officer authorized to take acknowledgments, and must state the candidate of the
25 candidate's qualification for the office, acceptance of nomination, and agreement
to serve if elected.

1
2 ~~(5) Upon receipt of the nominating petition, the election official shall indicate on the~~
3 ~~petition the date and hour of filing, the name and address of the person filing the~~
4 ~~petition, and place the signature of the person receiving the petition on the~~
5 ~~document.~~

6
7 (c) Nominating petitions must be completed and filed with the election official, accompanied
8 by any required state financial disclosure forms, not earlier than 81 days, nor later than
9 4:30 p.m. of the 71st day, before the election.

10 (d) Within four days after the filing of a nominating petition packet, which includes the
11 declaration of candidacy, the City and Borough of Juneau Election Official shall notify
12 the candidate named in the petition and the person who filed the petition packet whether
13 it is in proper form and signed by 25 qualified voters. If not, the City and Borough of
14 Juneau Election Official immediately shall return it, with a statement certifying wherein
15 the petition packet is deficient, to the person who filed it. A petition packet correcting the
16 deficiencies for the same candidate may be filed no later than 4:30 p.m. of the 71st day,
17 before the election.

18
19 (e) Any candidate nominated may withdraw their nomination not later than 4:30 p.m. of the
20 67th day before the election.

21 (f) A write-in candidate shall, not earlier than 67 days, nor later than 4:30 p.m. of the
22 seventh (7th) day before the election, file with the election official a letter of intent or
23 declaration of candidacy form in substantially the same format as the declaration of
24 candidacy forms filed in accordance with (b)(2) of this section, including any required
25 state financial disclosure forms. Write-in candidates will not be required to provide the

1
2 signatures of 25 qualified voters with their letter of intent or declaration of candidacy
3 form, stating:

4 ~~(1) — The full name of the candidate;~~

5 ~~(2) — The full residence address of the candidate and the date on which residency at~~
6 ~~that address began;~~

7 ~~(3) — The full mailing address of the candidate;~~

8 ~~(4) — The office that the candidate seeks;~~

9 ~~(5) — The date of the election at which the candidate seeks election;~~

10 ~~(6) — The length of residency in the City and Borough;~~

11 ~~(7) — The name of the candidate as the candidate wishes it to be written on the ballot~~
12 ~~by the voter;~~

13 ~~(8) — That the candidate will meet the specific age requirements of the office for which~~
14 ~~the person is a candidate by the time that the candidate, if elected, is sworn into~~
15 ~~office;~~

16 ~~(9) — That the candidate is a qualified voter as required by law; and~~

17 ~~(10) — That the candidate is not a candidate for any other office to be voted on at the~~
18 ~~election and that the candidate is not a candidate for this office under any other~~
19 ~~nominating petition or declaration of candidacy.~~

20
21
22 (g) Votes for a write-in candidate may not be counted unless that candidate has filed a letter
23 of intent or declaration of candidacy in accordance with (f) of this section. The letter of
24 intent or declaration of candidacy form submitted by a write-in candidate must be
25 accompanied by any required state financial disclosure forms.

(Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

Charter reference— Nominations, § 6.4.

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 at least 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 a written statement, as set forth in the election policies and rules of procedures ~~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.~~

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

(Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

1
2 **29.07.060 Ballots; form.**

- 3 (a) The names of all offices and candidates to be voted upon shall be printed on the ballot.
4 The title of each office to be filled shall be followed by the printed names of the
5 candidates for such office, below which shall be blank lines equal in number to the
6 candidates to be elected to such office, upon which the voter may write the names of
7 persons not listed on the ballot. Written instructions will be provided on how to mark the
8 ballot for each race. The words "Vote for not more than _____" with the appropriate
9 number replacing the blank shall be placed before the list of candidates for each office.
10 The names of candidates shall be printed as they appear upon the petitions filed with the
11 City and Borough of Juneau Election Official except that any honorary or assumed title
12 or prefix shall be omitted.
13
14 (b) The order for placement on the ballot will be established by random drawing by the
15 election official. A drawing will be held for each race. The results of each drawing will be
16 recorded and preserved by the election official. Ballot placement of candidates shall be
17 determined according to the following procedures:
18
19 (1) ~~The order for placement on the ballot will be established by random drawings of~~
20 ~~the letters of the alphabet by the election official. A drawing will be held for each~~
21 ~~race. The results of each drawing will be recorded and preserved by the election~~
22 ~~official.~~
23 (2) ~~The names of candidates in each race will be placed on the ballot based on the~~
24 ~~alphabetical order drawn for that district.~~
25 (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~~

1
2 last names, if the second letters are the same, then according to the third letter,
3 and so on. If two or more candidates have the same last name they shall be placed
4 relative to each other on the ballot according to their first given names, and if
5 those start with the same letter, then as specified for last names, and if those are
6 the same, according to subsequent middle names. For the purposes of this section,
7 the name of the candidate used to determine ballot placement shall be the
8 candidate's name as found on the voter registration rolls.
9

10 (c) Following the names of the offices and candidates, there shall be placed on the ballot all
11 propositions and questions to be voted upon. The words "Yes" and "No" or "For" and
12 "Against," as appropriate, shall be placed below the statement of each proposition and
13 question. The form of statement and title of the proposition or question shall be as
14 determined by the election official except as may be otherwise required by the assembly
15 or applicable law. When directed by the assembly, there shall be placed on the ballot as
16 part of a proposition or question a brief, neutral, and succinct explanation of the
17 proposition or question. Such explanations must be approved as to content by the
18 assembly or the attorney.
19

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

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

1
2 (f) The layout and form of ballots may be modified by the election official to accommodate
3 the voting system used for the election, including, but not limited to, electronic ballots,
4 provided a paper version of the ballot can be printed and used for tabulation and ballot
5 accountability.

6 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

7
8 **29.07.070 Ballots; preparation and distribution.**

9 The election official may contract for the preparation and printing of the ballots without
10 obtaining competitive bids and shall require ballots to be mailed to voters in accordance with
11 CBJC 29.07.100. The election official shall require possession of the remaining printed ballots
12 for use at the vote centers and the ballot processing center at least 15 days before the election.
13 Sufficient ballots shall be delivered before the opening of the vote center or polling places. ~~The~~
14 ~~election official shall keep a record of the numbers of the ballots delivered to each election team,~~
15 ~~the signature of the person to whom each group of ballots is delivered, and the date of each~~
16 ~~delivery.~~ Ballots shall be secured by election workers according to chain of custody protocols
17 established in the election policies and rules of procedures.

18 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

19
20 **29.07.080 Election materials; preparation and distribution.**

- 21 (a) The election official shall equip each vote center or precinct polling places with sufficient
22 materials and supplies needed for the election, ~~including those required by this section,~~
23 before the opening of the polls.
- 24 (b) The election official shall ~~publish~~ provide instructions explaining to voters how ballots
25 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

1
2 instructions shall be prominently displayed. The election official shall have sample
3 ballots, identical in form to the ballots to be used in the election, printed in a manner
4 that is clearly distinguishable from the official ballot ~~and may include as a part of a~~
5 ~~proposition or question a brief, neutral, and succinct explanation of the proposition or~~
6 ~~question, approved as to content by the assembly or attorney.~~ The election official shall
7 provide booths at each vote center or precinct polling place, with appropriate supplies
8 and conveniences to enable each voter to mark the voter's ballot screened from
9 observation. Ballot boxes shall be placed outside the voting booths within plain view of
10 the election workers, clerks, voters, and other persons at the polling places.

- 11
12 (c) Officially designated Bballot drop boxes locations will be ~~located in locations~~ identified by
13 the election official where voters may deposit voted by mail ballots ~~up to the close of polls~~
14 ~~on election day.~~ The drop slot opening of each ballot drop box shall be available to accept
15 ballots 24 hours a day beginning no later than 10:00 a.m. on the 15th day before election
16 day and closed at 8:00 p.m., the time designated for the close of the polls on election day.

17 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

18 ***

19
20 **29.07.100 Voting procedure.**

- 21 (a) When the election official conducts an election by mail, the election official shall mail a
22 ballot to each person whose name appears on the voter registration list prepared under
23 AS 15.07.125 for that election. The ballot shall be sent to the address stated on the
24 official registration list unless the voter has notified the election official in writing of a
25 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

1
2 condition of purge notice (PN), undeliverable (UN), list maintenance (LM), or list
3 maintenance undeliverable (LU, UC), as described in AS 15.07.130. Any qualified voter
4 not mailed a ballot will not later be refused a ballot when requested, but may be required
5 to vote a questioned ballot. The election official shall send ballots by first class, non-
6 forwardable mail, on or before the 18th ~~19th~~ day before the election.

7
8 (b) ~~The election official shall enclose a privacy envelope and a return envelope to each voter~~
9 ~~eligible under subsection (c) above. The return envelope shall have printed upon it a~~
10 ~~certification by which the~~ The voter shall sign a statement declaring ~~declare the voter's~~
11 their qualifications to vote, that ~~the voter~~ they have ~~has~~ not voted in any other manner in
12 this election, and shall provide a space for the voter to include at least one personal
13 identifier. Specific instructions for voting a by mail ballot and a list of the vote center(s)
14 and hours shall be included with the ballot.

15 (c) In a by mail election, regardless of whether a voter has received a ballot by mail, a voter
16 may cast a ballot:

- 17 (1) By mail as provided in the instructions from the election official;
18 (2) In person ~~at the election official's office or~~ at a vote center; ~~or~~
19 (3) By fax or electronic transmission. The voter must submit a written and complete
20 application for a fax or electronic transmission ballot to the election official's office
21 no later than 5:00 p.m. the day before election day for the ballot to be counted. A
22 ballot that is completed and returned by the voter by fax or electronic
23 transmission must contain the following statement: "I understand that by using
24 fax or electronic transmission to return my marked ballot, I am voluntarily
25

1
2 waiving a portion of my right to a secret ballot to the extent necessary to process
3 my ballot, but expect that my vote will be held as confidential as possible; or
4 (4) By personal representative. A qualified voter who is unable to go to the polling
5 place or vote center on election day due to age, illness, or disability, may appoint a
6 personal representative to obtain a ballot for the voter on or after the 15th day
7 before an election, up to and including election day.

8
9 (d)(3) ~~Under the following, absentee~~ Absentee ~~voting procedures will be set forth in the election~~
10 ~~policies and rules of procedures and are which would also be~~ the same methods followed
11 if the election was being held as a poll-based election. The election official shall provide
12 ballots for use as absentee ballots at least 15 days prior to the election. The election
13 official shall issue rules and instructions to absentee voters to aid them in casting their
14 ballots. The election official shall prescribe the form of and prepare the voter's certificate,
15 envelopes, and other materials used in absentee voting.

16 (A) ~~At any election, a qualified voter may vote a ballot from a temporary~~
17 ~~address for any reason.~~

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

22 (C) ~~A person designated as a permanent absentee voter under subsection (b) of~~
23 ~~this section will be sent a ballot by mail at the permanent mailing address~~
24 ~~stated on the voter's current registration record unless the voter submits~~
25

1
2 an application for a ballot to be mailed to a temporary address or an
3 electronic transmission ballot.

4 ~~(D) — A qualified voter may submit the application and vote from a temporary~~
5 ~~address. However, nothing in this section limits the voter's eligibility to~~
6 ~~vote in person at a polling place or vote center, in person before an election~~
7 ~~official, or absentee through a personal representative.~~

8
9 ~~(E) — The election official shall provide ballots for use as absentee ballots at least~~
10 ~~15 days prior to the election. The election official shall issue rules and~~
11 ~~instructions to absentee voters to aid them in casting their ballots. The~~
12 ~~election official shall prescribe the form of and prepare the voter's~~
13 ~~certificate, envelopes, and other materials used in absentee voting. The~~
14 ~~election official shall enclose a privacy envelope and a return envelope to~~
15 ~~each absentee voter. The return envelope shall have printed upon it a~~
16 ~~certification by which the voter shall place the voter's signature declaring~~
17 ~~that the voter is a qualified voter, that the voter has not voted in any other~~
18 ~~manner in this election, and a space for the voter to include at least one~~
19 ~~personal identifier.~~

20
21 ~~(F) — The application for an absentee ballot shall show the qualified voter's place~~
22 ~~of residence, clearly indicate the qualified voter's right to an absentee~~
23 ~~ballot, and be signed by the qualified voter.~~

24 ~~(i) — Absentee application for voting from a temporary address.~~

25 ~~Beginning on January 1 of each election year, a qualified voter may~~
~~in person, by mail, by facsimile machine, or by electronic~~

1
2 transmission, file a written application for an absentee ballot at a
3 temporary address with the election official. A complete application
4 for a ballot to be mailed to a temporary address must be received in
5 the office of the election official not less than seven days before
6 election day.

7
8 (ii) ~~Absentee application for voting by fax or electronic transmission. A~~
9 ~~qualified voter who has submitted an application to receive an~~
10 ~~absentee ballot by fax or electronic transmission will be issued an~~
11 ~~electronic ballot package beginning the day the ballots are available~~
12 ~~from the election official and through the close of the polls on~~
13 ~~election day. The voter must submit a written and complete~~
14 ~~application for a fax or electronic transmission ballot to the election~~
15 ~~official's office no later than 5:00 p.m. the day before election day in~~
16 ~~order for the absentee ballot to be counted. An absentee ballot that~~
17 ~~is completed and returned by the voter by fax or electronic~~
18 ~~transmission must contain the following statement: "I understand~~
19 ~~that by using fax or electronic transmission to return my marked~~
20 ~~ballot, I am voluntarily waiving a portion of my right to a secret~~
21 ~~ballot to the extent necessary to process my ballot, but expect that~~
22 ~~my vote will be held as confidential as possible."~~

23
24 (iii) ~~Absentee voting by personal representative. A qualified voter who is~~
25 ~~unable to go to the polling place or vote center on election day due~~
~~to age, illness, or disability, may appoint a personal representative~~

1
2 to obtain a ballot for the voter on or after the 15th day before an
3 election, up to and including election day.

4 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

5 **State Law reference**— Ballot preparation, AS 15.20.030; absentee voting in offices of election
6 supervisors, AS 15.20.048; absentee voting in person, AS 15.20.061; electronic transmission, AS
7 15.20.066, 15.20.081; personal representative, AS 15.20.071; mail, AS 15.20.081.

8 ***

9
10 **29.07.120 Vote center, ballot drop boxes, and polling place; procedures.**

11 This section applies to voters casting their ballots in person at a vote center, or in person
12 voting during a poll-based election.

- 13 (a) Before processing any ballots election workers ~~the election team~~ must, in the presence of
14 any persons assembled at the vote center or polling place, open and exhibit the ballot box
15 to be used at that location on that day. Thereafter the box shall be sealed with the
16 security seal provided and not be opened again until after the vote center or polling place
17 closes for the day ~~the polls finally close at the end of each day and the vote center or~~
18 ~~polling place is open~~. At the end of each day, ballot envelopes containing voted ballots
19 will be counted and sealed with the security seals that will be recorded on the daily
20 transmission log and prepared for transport to election central or the ballot processing
21 center as required by written directive of the election official for transportation from the
22 vote centers, post office box, officially designated ballot drop boxes, or polling places.
23
24 (b) A voter shall give the election worker the voter's name and place the voter's signature by
25 the voter's name in the register ~~registration book~~ unless the qualifications of the voter
are questioned.

- 1
- 2 (c) Every election worker shall question, and every watcher and any other person qualified
- 3 to vote in the precinct or vote center, may question a person attempting to vote if the
- 4 questioner has good reason to suspect that the questioned person is not qualified to vote.
- 5 All questions regarding a person's qualifications to vote shall be made in writing setting
- 6 out the reason the person has been questioned. A questioned person, before voting, shall
- 7 subscribe to a declaration in a form provided by the election official attesting to the fact
- 8 that, in each particular, the person meets all the qualifications of a voter, that the person
- 9 is not disqualified, that the person has not voted at the same election, and certifying that
- 10 the person understands that a false statement on the declaration may subject the person
- 11 to prosecution for a misdemeanor under this title, under state law, or both. The election
- 12 official shall provide a register ~~registration book~~ for questioned voters to sign. If the
- 13 questioned person refuses to execute the declaration, the person may not vote.
- 14
- 15 (d) A voter who casts a questioned ballot shall vote the ballot in the same manner as
- 16 prescribed for other voters in accordance with the instructions set out in the election
- 17 policies and rules of procedure. ~~The voter shall insert the ballot into a secrecy sleeve and~~
- 18 ~~then put the secrecy sleeve into an envelope on which the statement the voter previously~~
- 19 ~~signed is located. The envelope shall be sealed and deposited in the ballot box. When the~~
- 20 ~~ballot box is opened, the envelopes shall be segregated, counted, compared to the voting~~
- 21 ~~list, and delivered to the official or body supervising the election. The merits of the~~
- 22 ~~question shall be determined by this official or body in accordance with election policies.~~
- 23
- 24 (e) If the voter is not questioned, the voter shall be given one ballot and shall proceed to the
- 25 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

1
2 candidate or candidates, ~~of the voter's choice~~ but must also mark the ballot in the area
3 provided for that purpose in order ~~for the voter's indication~~ to be counted as a vote for
4 ~~such candidate. Upon the voter's determination that the voter has satisfactorily marked~~
5 ~~the ballot, the voter shall place the ballot within the secrecy sleeve and voter certification~~
6 ~~envelope provided and deposit the ballot in the ballot box.~~

7
8 (f) A voter who ~~by accident or mistake mutilates or spoils the voter's ballot~~ makes a mistake
9 shall be given another ballot after returning the old one to election workers, ~~upon~~
10 ~~returning the same to the election workers, be given another ballot,~~ up to a maximum of
11 three ballots. The worker shall record the number of ballots spoiled, void the spoiled
12 ballot, and without examining it, place it in the spoiled ballot envelope for final ballot
13 accountability.

14 (g) The voter may choose to use an electronic ballot marking device as provided at a vote
15 center or polling place in accordance with instructions provided by the election officials.
16 Alternatively, a voter who cannot read, mark the ballot, or sign their ~~the voter's~~ name,
17 may be assisted in doing so by an election worker, or not more than two willing persons
18 of the voter's choice if the voter requests such assistance. If any person other than an
19 election worker assists the voter in reading or marking the ballot, such person shall state
20 upon oath before the election worker that such person will not reveal the vote cast by the
21 assisted voter.
22

23 (h) On election day, 15 minutes before the closing of the election polls, ~~and at all other~~
24 locations where ballots may be cast, including officially designated ballot drop boxes, an
25 election worker shall proclaim to any persons present, the time remaining before the
~~polls~~ location closes. When the location polls ~~are~~ closed, that fact shall be similarly

1
2 proclaimed, and thereafter no ballots shall be received except those of people qualified
3 ~~voters~~ already present and waiting to vote at the vote centers, officially designated ballot
4 drop boxes, ~~election official's office~~, or the precinct polling location in a poll-based
5 election. Ballots must be ~~provided to an election official~~, received by the vote center,
6 placed in an officially designated ballot drop box, or received at a polling place in a poll-
7 based election, by 8:00 p.m. on election day, or be postmarked by the post office on or
8 before election day. ~~Any ballots cast by a voter present in line awaiting the opportunity~~
9 ~~to vote at a vote center, or to drop a ballot into a ballot drop box, or present in line~~
10 ~~awaiting the opportunity to vote at a polling place, for a poll-based election, at 8:00 p.m.~~
11 ~~on election day, will be considered as having voted in a timely manner.~~

12
13 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

14 **State Law reference**— Similar provisions, AS 15.15.210, 15.15.215, 15.15.230, 15.15.250,
15 15.15.240, 15.15.310, 15.15.320.

16 **29.07.130 Unused ballots.**

17 All ballots issued to vote centers or polling places not voted shall be accounted for and
18 sealed by the election workers after recording the numbers of the unvoted ballots in accordance
19 with the election policies and rules of procedure. Workers will follow chain of custody
20 procedures outlined by election officials. ~~sealed by the election workers after recording the~~
21 ~~numbers of the unvoted ballots. Election workers shall return the sealed unused ballots and~~
22 ~~stubs of ballots in an envelope provided by the election official, to the election official, who shall~~
23 ~~give a receipt therefor, and keep a record of the numbers of the returned stubs indicating when~~
24 ~~and by which worker each was returned.~~

25 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

29.07.150 Ballot envelope review and signature verification.

- (a) The election official may issue, amend, and rescind election policies and rules of procedure 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. The election policies and rules of procedure may not be changed 40 days prior to the election through the final certification of the election, and will remain in effect until superseded by any updated version.
- (b) The election team shall account for all ballots and complete a ballot statement as outlined in the election policies and rules of procedure. ~~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. A team of at least two workers ~~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 and rules of procedure established for the review, scanning, and 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 scanning ~~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 and rules of procedure:

~~(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.~~

~~(1)~~(2) A ballot shall be approved for scanning ~~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 ~~(2)~~(3) below; and

- 1
- 2 (B) Reserved.
- 3 (C) The ballot return envelope was received via mail, at a voter center, polling
- 4 place in a poll-based election, or deposited in an officially designated ballot
- 5 drop box no later than 8:00 p.m. on election day; or
- 6 (D) The ballot return envelope, if mailed, was postmarked or the United States
- 7 Postal Service (USPS) can verify that the ballot return envelope was
- 8 mailed on or before election day; and was received by the beginning of the
- 9 canvass review board process.
- 10
- 11 (E) Ballots failing to meet the criteria set out in sections (A) – (D) above, will
- 12 not be approved for scanning. The ballot return envelope was received
- 13 before the beginning of the canvass review board review process.

14 (2)(3) Signature verification process:

- 15 (A) The voter's signature and personal identifier on the ballot certification
- 16 must be compared with the signature(s) and personal identifiers in the
- 17 voter's voter registration file(s) using the standards established in the
- 18 election policies and rules of procedure developed under CBJ 29.07.005250.
- 19
- 20 (B) The election official may designate, in writing, election workers to perform
- 21 this function. All personnel assigned to the duty of signature verification
- 22 ~~shall subscribe to an oath administered by the election official regarding~~
- 23 ~~the discharge of their duties. Personnel~~ shall be trained in the signature
- 24 verification process prior to actually comparing any signatures.
- 25 (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

1
2 approve the counting of a ballot if it meets the following "fuzzy match"
3 criteria for the personal identifier:

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

5 (a) Two dates with the maximum of 1 digit in difference
6 "03/27/1945" and "03/27/1946"; or

7 (b) Transposition of month and day portion of the Date of Birth:
8 "05/11/1935" and "11/05/1935."
9

10 (ii) A "Social Security Number", or Alaska Driver's license, or State ID,
11 or Voter ID fuzzy match includes ONE of the following:

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

14 (b) Two ~~consecutive~~ numbers are transposed.

15 (D) Missing or invalid signature or personal identifier. If a voter's signature or
16 personal identifier is missing or determined to be invalid, the election
17 official shall, within three days of initial processing of the envelope, contact
18 the voter ~~send a letter to the~~ voter explaining the problem ~~lack of a valid~~
19 ~~signature and/or personal identifier~~ and provide them an opportunity to
20 cure the issue.

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

23 (ii) ~~The voter may:~~

24 (a) ~~Fill out the form included with the letter and return the~~
25 ~~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.~~

~~(ii)(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 and rules of procedure developed under CBJ 29.07.005250.

~~(3)(4)~~ The ballot review team may begin reviewing, scanning, and processing by mail ballots prior to election day as part of the election review process to prepare them for tabulation 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~~ 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.

(Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

29.07.160 General procedures for ballot adjudication count.

(a) Adjudication of votes shall be as set forth in ~~use~~ the election policies and following rules of procedure and as follows:

- 1
- 2 (1) A vote shall be counted if the oval preceding the name of the candidate or answer
- 3 to a proposition question is wholly or partially filled-in.
- 4 (2) A failure to properly mark a ballot as to one or more candidates or proposition
- 5 questions does not itself invalidate the entire ballot.
- 6 (3) If a voter marks fewer names than there are persons to be elected to the office, a
- 7 vote shall be counted for each candidate properly marked.
- 8 (4) If a voter marks more names than there are persons to be elected to the office, the
- 9 votes for candidates to that office shall not be counted. Marks for both a write-in
- 10 and a candidate named on the ballot shall not be counted, unless the write-in
- 11 name is the same as the candidate printed on the ballot marked by the voter.
- 12 (5) Candidates and answers to proposition questions marked with a strikethrough
- 13 across the oval and name or answer shall be treated as indicating the voter's
- 14 intent to not vote for the candidate or answer so stricken:
- 15

16 Race

17 ~~• Dee, John~~

18 • Smith, Mary

Valid vote for Mary Smith.

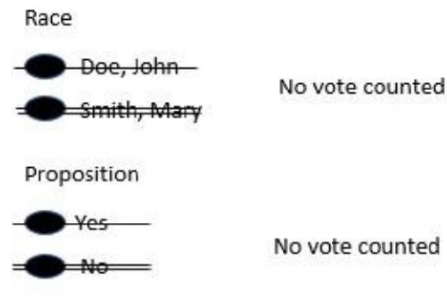
19 Proposition 1

• Yes

20 ~~• No~~

Valid vote "yes" on Prop 1.

- (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) Reserved. ~~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 write-in 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.

(Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

State Law reference— Ballot count, AS 15.15.330 et seq.

29.07.170 Delivery of ballots and other election material.

1
2 Upon completion of the counting of ballots at the ballot processing center, the election
3 workers shall secure the counted ballots as directed by the election official in the election
4 policies and rules of procedure. The election official shall preserve them for 90 days unless the
5 election is contested. Ballots and all ~~numbered stubs, registers, tally sheets, and~~ other records
6 of the election shall be similarly returned to the election official as directed ~~in election policies~~.
7 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

8 ***

9
10 **29.07.190 Ballot eligibility.**

11 To be counted in the election, ballots must be received by the election official before
12 closing of the polls on the day of the election, ~~if voted in the office of the election official or other~~
13 at a place designated by the election official, or post-marked not later than the day of the
14 election and received by the election official before the review of election returns under section
15 29.07.290. The election official shall mark return envelopes received ~~after such time as~~
16 ~~“Invalid,” and with~~ the time and date of receipt by the election official ~~shall be noted thereon~~
17 and will be brought to the canvass review board for review. Such envelopes shall be retained
18 with other election records and destroyed with them, as provided by this chapter for destruction
19 of ballots. Ballots received before the closing of the polls may be reviewed at any time for voter
20 qualification and may be ~~counted~~ reviewed and adjudicated by one or more ~~counting~~
21 teams appointed by the election official, ~~commencing at the time the polls close on election day~~.

22 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

23 ***

24
25 **29.07.210 Boards and teams.**

1
2 The election official shall appoint workers to serve as ~~an election team in accordance with~~
3 ~~section 29.07.020, a voting system control board, a ballot review team, election officials,~~
4 elections workers, the logic and accuracy team, and a canvass review board. The election official
5 shall ~~appoint election workers to serve on each board and team and~~ administer the oath
6 prescribed for election workers to ~~chairs and the members of each of the boards and teams~~ said
7 appointees.

8
9 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

10 ***

11 **29.07.230 Tests and security.**

12 The voting system must be tested in the presence of and to the satisfaction of the logic and
13 accuracy team ~~voting system control board,~~ according to election policies and rules of procedure.

14 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

15 ***

16 **29.07.250 Reserved Election policies established.**

17 ~~The election official shall establish election policies in writing at least 20 days before an~~
18 ~~election so as to expedite the process and to guarantee the integrity of the election.~~

19
20 (~~Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023~~)

21 ***

22
23 **29.07.280 Review of election returns.**

24 (a) ~~The Election worker~~ ballot review teams may begin reviewing and processing by mail
25 ballots prior to election day ~~as part of the election review process~~ to prepare them for
tabulation counting. Tabulation, which would generate any form of results, will not

1
2 commence until after the polls close on election day. ~~The tabulation of ballots will not~~
3 ~~begin until after 8:00 p.m. on election day.~~ Unofficial results will be published online and
4 updated periodically during the ballot review process according to a schedule established
5 by the election official. The election official will continue to process ballots until the
6 review of the election returns by the canvass review board. The election official and such
7 assistants as may be appointed by the election official shall ~~count~~ tabulate such ballots in
8 accordance with the voting systems determined for use in an election.
9

10 (b) By the second Tuesday after each election, unless the second Tuesday falls on a holiday,
11 in which case by the second Wednesday after each election, the election official shall
12 conduct the review of all election returns with the canvass review board. The review may
13 be postponed for cause from day to day, but there shall be no more than three such
14 postponements. The canvass review board, in full view of those present, shall review any
15 additional ~~absentee or by-mail~~ ballots envelopes that were postmarked by election day
16 and received in the mail as well as any ballots envelopes challenged by ~~the ballot review~~
17 ~~team~~ election workers and determine whether they will be rejected or approved for
18 scanning ~~counted~~. The canvass review board will then add approved ~~those~~ ballots eligible
19 ~~to be counted~~ to the preliminary tabulated results of the election returns and compile the
20 total number of votes cast for each candidate and for and against each proposition and
21 question to determine the final results to be certified by the election official. The election
22 official will then certify the election in accordance with CBJ 29.07.290.
23

24 (c) Reserved.

25 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

1
2 **29.07.300 Election recounts.**

- 3 (a) A defeated candidate or ten qualified voters may file an application, within two days
4 after the completion of the review of the election returns, with the election official for a
5 recount of the votes ~~from any particular precinct or precincts and~~ for any particular
6 office, proposition, or question. The date on which the election official receives an
7 application rather than the date of mailing determines whether the application is filed
8 within the time allowed.
9
- 10 (b) The application shall state the particular election, office, proposition, and/or question for
11 which the recount is to be held, and that the person making the application is a
12 candidate or that the ten persons making the application are qualified voters. The
13 candidate or persons making the application may designate by full name, ~~and~~ mailing,
14 and email address, of two persons who may represent the applicant and be present
15 during the recount. Any person may be named representative, including the candidate or
16 any person signing the application. Applications by ten qualified voters shall also include
17 the designation of one of the applicants as chair. The candidate or person making
18 application shall sign the application and shall print or type their full name, ~~and~~ mailing,
19 email address, and phone number.
20
- 21 (c) If the election official determines that the application is substantially in the required
22 form, the election official shall fix the date of the recount to be held within five days after
23 the receipt of an application. The election official shall give the candidate or designated
24 chair signing the application and the two persons appointed to represent the applicant
25 during the recount, notice of the time and place of the recount by certified mail, by email,
by facsimile, or by telephone.

1
2 (d) The election official shall appoint a board of at least three qualified voters to conduct the
3 recount of ~~the ballots voted in those precincts stated in the application for recount, and~~
4 ~~the board shall recount~~ all of the voted ballots ~~for those precincts~~. The election official
5 may appoint additional qualified voters to assist in the recount. The recount shall be
6 completed within three ~~two~~ days.

7
8 (e) The election official shall certify results of the election recount.

9 (f) All expenses of conducting a recount shall be paid by the candidate or voters requesting
10 the recount, provided that in the following circumstances the City and Borough shall pay
11 the expenses:

12 (1) Where the candidates or proposition received a tie vote;

13 (2) Where the difference between the number of votes cast for each of the candidates
14 or for and against the proposition was ten or less or was less than one-half of one
15 percent of the total number of votes cast for the candidates involved or the
16 proposition;

17 (3) Where the results of the election are changed by the recount; or

18 (4) Where the vote is determined to be four percent or more in excess of the vote
19 certified by the election official in the election review for the candidate who
20 requested the recount or for or against the proposition as stated in the recount
21 application.
22

23 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)

24 **State Law reference**— Election recounts, AS 15.20.430 et seq.; tie votes, AS 15.15.460.

25 ***

29.07.390 Definitions.

1
2 The following words, terms and phrases, when used in this chapter, shall have the
3 meanings ascribed to them in this section, except where the context clearly indicates a different
4 meaning:

5 *Ballot* means any document provided by the municipal clerk on which votes may be cast for
6 candidates or propositions, including but not limited to, electronic ballots generated by an
7 electronic ballot marking device. As used in this title, the term "ballot" shall mean the official
8 ballot, except where the context clearly indicates it means the sample ballot or both types of
9 ballots.
10

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

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

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

16 *Election policies* means the election policies and rules of procedure ~~instructions for~~
17 ~~conducting elections~~ issued by the election official in writing at least 40 ~~20~~ days before an
18 election.
19

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

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

24 *Personal identifiers*, as used in this chapter, shall include the following: voter registration
25 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, or Alaska State ID.

1
2 *Poll-based elections* means those elections conducted primarily using precinct polling places
3 or vote centers for in-person voting on election day.

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

6 *Tabulation* means the aggregation of the votes cast by individual voters to produce result
7 totals at any level.

8
9 *Vote center* means any location designated by the election official for the purpose of
10 providing voter assistance that is not solely for casting votes for a specific precinct.

11 *Voting system* means the mechanical, optical, electronic, or other physical systems used for
12 marking, scanning, reviewing, counting, and processing, or tabulating ballots and other election
13 materials.

14 (Serial No. 2023-24, § 2, 5-17-2023, eff. 6-17-2023)
15

16 **Section 3. Amendment of Chapter.** Chapter 29.10, Initiative and referendum, is
17 amended to read:

18 **Chapter 29.10 INITIATIVE AND REFERENDUM**

19 **29.10.010 Purpose.**

20
21 It is the purpose of this chapter to define and clarify the procedures to be followed in
22 initiative and referendum proceedings authorized under article 7 of the Charter of the City and
23 Borough of Juneau. The initiative and referendum are forms of direct democracy and as such
24 their availability and use to, and utilization by, the public must be facilitated, ~~while, at~~ At the
25 same time, election officials must maintain mechanisms to reduce and prevent fraud. ~~the~~
~~integrity of the procedures must be maintained through mechanisms which discourage, reduce,~~

1
2 ~~and prevent both the occurrence and appearance of fraud. Further, in order to ensure clear,~~
3 ~~fixed and reliable standards, it is necessary that citizens and those officials charged with the~~
4 ~~validation of petitions be able to rely on designated official, published maps, plats and records of~~
5 ~~the municipality and on the published voter registration records of the state.~~

6 (Serial No. 78-3, § 2, 1978)

7 ***

8
9 **29.10.030 Petition format.**

10 (a) The petition form prepared by the election official for issuance to the petitioners'
11 committee shall be structured in accordance with Charter section 7.4 and further defined
12 in the election policies and rules of procedure. The form shall include the full text of the
13 proposed initiative or referred measure and shall require the following: in substantial
14 compliance with this section.

15 (1) Name of the person who is circulating the petition; and

16 (2) That the petition signers must affix their signatures in ink and shall be followed
17 by the residence address of the person signing along with such information
18 sufficient to determine whether the voter is a qualified Juneau voter as prescribed
19 by election policies and rules of procedures.

20
21 ~~(b) The front of the cover page of the petition shall provide a space for the name of the~~
22 ~~person who is circulating the petition and shall contain a statement in bold type~~
23 ~~identifying the petition as a referendum or initiative petition as appropriate, the~~
24 ~~initiative or referendum request, a space for an impartial summary of the ordinance to be~~
25 ~~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~~

1
2 first page of the petition, and a petition booklet number. On the back of the cover sheet,
3 the election official shall cause to have printed a notice to the petition signers that
4 signatures must be in ink, the residence address, mailing address and printed name
5 must be legible, that the signer must be a registered voter and have been a resident of
6 the City and Borough for the immediately preceding 30 days, and the acceptable and
7 unacceptable forms of residence address which appear in subsections 29.10.090(b) and
8 (e).

9
10 (e) ~~The second and such subsequent pages as are necessary shall contain a space for the full~~
11 ~~text of the ordinance to be initiated or referred.~~

12 (b)(d) Following the full text of the ordinance shall be not less than five nor more than ten
13 signature pages. Qualified voters signing the petition shall sign in ink and provide their
14 printed name, signature, residence address and zip code, and one personal identifier as
15 defined in 29.07.390, Definitions. ~~which can be the last four digits of the voter's~~
16 ~~registration identification number, the last four digits of the voter's driver's license or~~
17 ~~state identification number, the last four digits of the voter's Social Security number, or~~
18 ~~the voter's year of birth, length of residence in City and Borough, and date signed.~~ The
19 election official shall number each book and signature page serially in a sequence of
20 numbers which shall be continuous through all booklets issued. ~~Above the column titles~~
21 ~~shall be the petition request, which shall make reference to the ordinance or measure to~~
22 ~~be initiated or referred and its location in the booklet. At the bottom of each signature~~
23 ~~page shall be a statement that to be valid, the signature must be in ink, the name as~~
24 ~~printed and signed must be in the same form as the name appears on the state voter~~
25 ~~registration rolls, the printed name, personal identifier, and residence address must be~~

1
2 legible and the signer must indicate his or her length of address in the City and Borough
3 immediately preceding signing the petition.

4 ~~(c)~~(e) The signature page shall contain the affidavit of the circulator as required by section 7.5
5 of the Charter.

6 ~~(d)~~(f) Each booklet shall be assembled by the election official and all pages within each booklet
7 shall be stapled or otherwise fastened together.

8
9 (Serial No. 78-3, § 2, 1978; Serial No. 98-25, §§ 29, 30, 31, 32, 1998; Serial No. 2001-28, § 2, 6-4-
10 2001; Serial No. 2014-37(c), § 6, 6-30-2014, eff. 7-31-2014; Serial No. 2022-24(am), § 21, 6-13-
11 2022, eff. 7-13-2022)

12 ***

13 **29.10.060 Submission and receipt of petitions.**

14 (a) The petitioners' committee shall file the petitions as a single instrument. After the filing,
15 no additional petition booklets may be received by the election official for validation
16 whether such additional booklets are submitted before or after the expiration of the
17 petition period. Such late booklets shall be received only for the purpose of preservation
18 for the record.

19
20 (b) Filing shall be done during municipal business hours. If the last day of the period falls on
21 a Saturday which is not a City and Borough holiday, the election official shall make
22 arrangements with the petitioners' committee to receive the petitions at the election
23 official's office at or before 4:30 p.m. on that Saturday. If the last day of the period falls
24 on a Sunday or other City and Borough holiday, the petitioners' committee may file the
25 petition not later than 12 p.m. ~~9:00 a.m.~~ on the first weekday which is not a holiday.

- 1
- 2 (c) Immediately upon receipt of the petition, and in the presence of the person submitting
- 3 the petition, the election official shall check each booklet and shall mark as rejected on
- 4 its face, and the reason for rejection, any petition booklet which:
- 5 (1) Shows evidence of having been disassembled and reassembled;
- 6 (2) Does not contain all pages of the ordinance to be initiated or referred;
- 7 (3) Does not contain the fully completed, signed and notarized affidavit of the
- 8 circulator.
- 9
- 10 (d) Due to potential confidential voter information contained in petition booklets, all petition
- 11 booklets and copies of booklets must be surrendered to the election official within 60 days
- 12 of issuance.

13 (Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 35, 1998; Serial No. 2022-24(am), § 23, 6-13-2022,

14 eff. 7-13-2022)

15 **29.10.070 Supplemental petition.**

- 16 (a) If the election official determines that there is an insufficient number of valid signatures
- 17 on the petitions filed during the 30-day period, the election official shall send notice of
- 18 the insufficiency to the petitioners' committee by certified mail, return receipt requested
- 19 and may also inform them by email or other communication. The petitioners' committee
- 20 shall have an additional ten days from receipt of the notice to gather additional
- 21 signatures on petitions supplied to the committee by the election official for that purpose.
- 22 The petitions supplied by the election official for the supplemental period shall be in the
- 23 format specified in section 29.10.030, except that the signature page numbering shall not
- 24 duplicate that used for the initial 30-day period.
- 25
- (b) Petitions shall be submitted and received in the manner provided in section 29.10.060.

(c) No signatures obtained on booklets issued during the first 30-day period shall be valid if submitted with the supplemental petition.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 36, 1998)

Charter reference— Supplemental petition, § 7.7.

29.10.080 Validation of signatures.

- (a) The election official shall reject the signature of any person who was not a registered Juneau voter on the day they signed the petition ~~whose name does not appear on the voter registration list available from the state elections office and who is determined by the state elections office to be a person who is not registered on the day the election official requests state verification of the voter status of the person.~~
- (b) The election official shall reject the signature of any person whose writing is so illegible that they cannot be identified as a registered Juneau voter ~~signed and printed name are so illegible that the election official cannot identify the name; provided, however, the election official may accept an otherwise illegible name if the voter has provided adequate personal identifying information and the legible address information given by the person corresponds to voter registration information of the person registered to the personally identifying information given.~~
- (c) The election official 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 election official shall reject the signature of any person whose signature is not executed in ink.
- (e) ~~The election official shall reject the signature of any person who had not been a resident of Juneau for the 30 days immediately preceding the date the person signed the petition.~~

1
2 ~~(e)(f)~~ The election official shall reject the signature of any person who fails to provide a legible
3 and adequate residence address within the City and Borough of Juneau as provided in
4 section 29.10.090.

5 ~~(g)~~ The election official shall reject the signature of any person whose petition signature and
6 printed name are not the form in which the person is registered to vote unless the
7 election official is able to determine from the voter's personal identifying information or
8 the address information from the state elections office that the signature is that of a
9 registered voter.
10

11 ~~(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 37, 1998; Serial No. 2014-37(e), § 7, 6-30-2014, eff.~~
12 ~~7-31-2014; Serial No. 2022-24(am), § 24, 6-13-2022, eff. 7-13-2022)~~

13 **~~29.10.090 — Residence address requirements.~~**

14 ~~(a)~~ A residence address for the purpose of initiative and referendum petition requirements is
15 a locatable address where the person lives. A residence address is adequate only if it
16 contains sufficient information to permit the person's place of residence to be found by an
17 ordinary person with no particular knowledge of the City and Borough of Juneau area if
18 such person is given the residence address information which appears on the petition,
19 the official map of the City and Borough of Juneau, the approved house numbering maps
20 of the City and Borough of Juneau, and relevant approved plan maps.
21

22 ~~(b)~~ Notwithstanding the general definition provided in subsection (a) of this section, the
23 following shall be deemed to be adequate residence addresses.

24 ~~(1)~~ A subdivision name with a lot and block number;

25 ~~(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 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.~~

~~(e) — 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, Juneau, Douglas, Auke Bay, Vanderbilt Hill, Pinewood Park, Mendenhaven, Back Loop 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.~~

1
2 ~~(d) — If there is a dispute as to the adequacy of a residence address given by a person whose~~
3 ~~name has been rejected by the election official, the name shall be rejected if it is~~
4 ~~determined that a house number has been assigned to the place of residence of the~~
5 ~~person whose name has been rejected unless the assigned street name and house number~~
6 ~~or an accurate legal description of the property has been used on the petition.~~

7
8 ~~(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 38, 1998; Serial No. 2001-28, § 2, 6-4-2001)~~

9 **29.10.100 Petition and signature rejection for other reasons.**

10 (a) If any allegation of fraud or misconduct, by persons not involved with conducting the
11 election, including conduct classified under Alaska Statutes 15.56.070 through 15.56.090,
12 is filed with the election official prior to the certification or notice of insufficiency of the
13 petitions, the election official shall immediately investigate such allegations and reject
14 the challenged petitions or signatures if such investigation reveals fraud or other
15 irregularities which warrant rejection.

16 (b) Any allegation of fraud or misconduct, by persons not involved with conducting the
17 election, including conduct classified under Alaska Statutes 15.56.070 through 15.56.090,
18 filed after certification of the petition which would or may result in the invalidation of a
19 sufficient number of signatures to cause a petition to be insufficient shall be referred
20 immediately to the assembly and the Juneau Police Department. The assembly shall
21 schedule a hearing on the matter and take such action as it deems appropriate with
22 respect to signatures or petitions which are affected by any fraud or misconduct ~~it finds.~~

23
24 (c) It shall be fraud sufficient to reject an entire petition booklet if it is shown that a petition
25 circulator has either failed to do any act or had no reasonable basis for a belief to which
the petition circulator is required to swear under section 7.5 of the Charter.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, §§ 39, 40, 1998)

State Law reference— Petition offenses, AS 15.56.090.

29.10.120 Preparation and form of the ballot.

- (a) If the petition is properly filed, a brief, neutral, and succinct explanation of the proposition or question shall be drafted by the attorney, placed on the ballot, and a copy provided to the Assembly.
- (b) The proposition or question shall consist solely of the question to voters, excluding any whereas, intent, or policy statements submitted.
- (c) The ballot prepared shall be worded so that a “Yes” vote on the proposition is a vote to enact a proposed law or repeal an existing law.

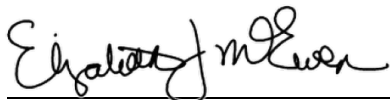
Section 4. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 3rd day of March, 2025.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk