

CITY & BOROUGH OF JUNEAU

Elections Policies & Procedures

SECTION 3.17 Interpreting Voter Intent

Effective Date: 8/26/2026

Pursuant to CBJ Code 29.07.005, these Election Policies and Rules of Procedure may not be amended within 40 days before an election through final certification of that election. These policies remain in effect until superseded by an updated version.

3.17 INTERPRETING VOTER INTENT

CBJ Code [29.07.160](#) – General Procedures for ballot adjudication lays out rules for what is considered a properly marked ballot. CBJ Code 29.07.160(b) states “*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.*”

[Emphasis added]

This guide outlines specific scenarios to aid election workers in determining voter intent in accordance with municipal code and election policies and procedures.

Election Officials will review ballots for voter intent in the following situations:

1. When resolving ballots that cannot be read by the ballot scanner and are queued for review in the adjudication and tabulation systems.
2. When resolving ballots flagged for further review, including a valid-write in candidate;

THE TARGET AREA

The “target area” is the oval (bubble) adjacent to a candidate’s name or ballot proposition. A vote is counted when the bubble is wholly or partially filled in, provided the voter has not selected more choices than the maximum number allowed.

ASSEMBLY DISTRICT 2
VOTE FOR NOT MORE THAN ONE

☐ Wade Bryson
☒ Nathaniel "Nano" Brooks
☐ Write-in

This is a properly filled in bubble; a valid vote for Brooks

ASSEMBLY DISTRICT 2
VOTE FOR NOT MORE THAN ONE

☐ Wade Bryson
☒ Nathaniel "Nano" Brooks
☐ Write-in

This is a properly, if messily, filled in bubble; a valid vote for Brooks

ASSEMBLY DISTRICT 2
VOTE FOR NOT MORE THAN ONE

☒ Wade Bryson
☐ Nathaniel "Nano" Brooks
☐ Write-in

This is a checkmark; a valid vote for Bryson

ASSEMBLY DISTRICT 2
VOTE FOR NOT MORE THAN ONE

☒ Wade Bryson
☐ Nathaniel "Nano" Brooks
☐ Write-in

This is an “x”; a valid vote for Bryson

ASSEMBLY DISTRICT 2
VOTE FOR NOT MORE THAN ONE

☐ Wade Bryson
☒ Nathaniel "Nano" Brooks
☐ Write-in

This was a checkmark that was subsequently filled in; a valid vote for Brooks

ASSEMBLY DISTRICT 2
VOTE FOR NOT MORE THAN ONE

☒ Wade Bryson
☐ Nathaniel "Nano" Brooks
☐ Write-in

This was an “x” that was subsequently filled in; a valid vote for Bryson

CBJ follows the State of Alaska’s threshold criteria for ambiguous marks. Ballots are flagged for adjudication when a mark fills between 5% and 25% of the target bubble. An incomplete or irregular mark in the target area will be counted as a vote if no other cross marks or comments indicate a different voter intent.

ASSEMBLY DISTRICT 1
VOTE FOR NOT MORE THAN ONE

☒ Greg Smith

☐ Write-in

This is a line within the target area no other marking; a valid vote for Smith

ASSEMBLY AREAWIDE
VOTE FOR NOT MORE THAN ONE

☒ Ella Adkison

☐ Write-in

This is a filled in bubble with a stray mark near it; a valid vote for Adkison

ASSEMBLY DISTRICT 1
VOTE FOR NOT MORE THAN ONE

☒ ~~Greg Smith~~

☐ Write-in

This is a cross-out of the candidate's name, despite having a line in the target area. Voter intent is clear. No valid vote in this race.

Stray marks outside of the target area will not be counted.

ASSEMBLY AREAWIDE
VOTE FOR NOT MORE THAN ONE

☐ Ella Adkison

☐ Write-in

This mark is outside the target area and does not clearly indicate voter intent. No valid vote in this race.

BOARD OF EDUCATION
VOTE FOR NOT MORE THAN THREE

☐ Jenny Thomas

☐ Melissa Cullum

☐ Steve Whitney

☐ Jeremy "JJJ" Johnson

☐ Write-in

☐ Write-in

☐ Write-in

While there is a mark through the target area of "write in", the voter intent clearly supports no candidates. No valid vote in this race.

BOARD OF EDUCATION	
VOTE FOR NOT MORE THAN <u>THREE</u>	
☐	Jenny Thomas
☐	Melissa Culum
☐	Steve Whitney
☐	Jeremy "JJJ" Johnson
☐	Write-in
☐	Write-in
☐	Write-in

While there is a mark through the target areas of all candidates, the voter intent clearly supports no candidates. No valid vote in this race. This is further supported by marking patterns (next section).

Marking Patterns

If a voter marks outside the target area, those votes are considered valid if the voter uses a consistent pattern or method of marking. All marks must follow the same pattern or method.

for non-commercial use within the City and Borough of Juneau. As used in this section, "essential utilities" means: (a) Sales of electricity by a utility for non-commercial use at a City and Borough resident's principal place of abode. (b) Sales of heating fuel, including wood, wood pellets, and fuel oil, for non-commercial use at a City and Borough resident's principal place of abode. (c) Sales of water and wastewater service by the City and Borough for service at a City and Borough of Juneau resident's principal place of abode. (d) Sale of residential curbside refuse and recycling collection at a City and Borough resident's principal place of abode and the non-commercial use of landfill facilities by a City and Borough resident. Section 3. Effective Date. This initiative shall be effective 30 days after enactment. ☐ Sales Tax Exemptions. Yes ☐ Sales Tax Exemptions. No	tax of 3%? ☐ Seasonal Sales Tax. Yes ☒ Seasonal Sales Tax. No
---	---

In the above example, the marks are outside the target area and therefore would not be detected by the tabulation system. As a result, the system would not count these votes unless the ballot is reviewed during adjudication for another reason. If the ballot is flagged for adjudication for another reason, this would be a valid vote for Sales Tax Exemption-Yes and Seasonal Sales Tax-No.

When outside the target area, the votes are not valid if the pattern is inconsistent.

or Juneau to read as follows: (45) Sales of essential utilities to individuals that are solely for non-commercial use within the City and Borough of Juneau. As used in this section, "essential utilities" means: (a) Sales of electricity by a utility for non-commercial use at a City and Borough resident's principal place of abode. (b) Sales of heating fuel, including wood, wood pellets, and fuel oil, for non-commercial use at a City and Borough resident's principal place of abode. (c) Sales of water and wastewater service by the City and Borough for service at a City and Borough of Juneau resident's principal place of abode. (d) Sale of residential curbside refuse and recycling collection at a City and Borough resident's principal place of abode and the non-commercial use of landfill facilities by a City and Borough resident. Section 3. Effective Date. This initiative shall be effective 30 days after enactment. ☐ Sales Tax Exemptions. Yes ☒ Sales Tax Exemptions. No	31 and a 6.5% sales tax April 1 through September 30, and repeal the permanent sales tax of 1% and temporary sales tax of 3%? ☐ Seasonal Sales Tax. Yes ☒ Seasonal Sales Tax. No
--	--

In this example, the voter made a check mark to indicate Seasonal Sales Tax-Yes. As their pattern is not consistent, Sales Tax Exemptions-No is not a valid vote.

Election officials can look to other ballot marking patterns to help make determination of voter intent.

ASSEMBLY AREAWIDE VOTE FOR NOT MORE THAN <u>ONE</u> ☐ Ella Adkison ☐ Write-in	PROPOSITION NO. 1 Charter Amendment Short Title: Mill Rate Cap Amendment SHALL THE CITY AND BOROUGH OF JUNEAU CHARTER SEC. 9.7 BE AMENDED AS FOLLOWS: Section 1. ... (c)Except as provided in this section, the assembly shall not levy on real or personal property any tax exceeding the total of <u>9 mills</u> 12 mills plus that additional millage required to service general obligation indebtedness. The assembly may levy a tax exceeding this total only after seeking and securing voter approval by a majority of those voting on the question at a general or special election. Section 2. Effective Date. This measure shall be effective 30 days after enactment. ☒ Amend Charter section 9.7 - Mill Rate Cap. Yes ☐ Amend Charter section 9.7 - Mill Rate Cap. No
ASSEMBLY DISTRICT 1 VOTE FOR NOT MORE THAN <u>ONE</u> ☒ Greg Smith ☐ Write-in	
ASSEMBLY DISTRICT 2 VOTE FOR NOT MORE THAN <u>ONE</u> ☐ Wade Bryson ☒ Nathaniel "Nano" Brooks ☐ Write-in	
BOARD OF EDUCATION VOTE FOR NOT MORE THAN <u>THREE</u> ☒ Jenny Thomas ☐ Melissa Cullum ☒ Steve Whitney ☒ Jeremy "JJJ" Johnson ☐ Write-in ☐ Write-in ☐ Write-in	

In the above ballot, voter intent is clear as wanting to vote for Brooks, Whitney, Johnson, and Amend-Yes by fully marking the bubbles. Voter intent is clear to not vote for Adkison and Smith by crossing out the names. However, the bubble for Thomas is circled but not filled in; because there are several examples of fully marked bubbles, this is NOT a valid vote for Thomas.

ASSEMBLY AREAWIDE VOTE FOR NOT MORE THAN <u>ONE</u>	PROPOSITION NO. 1
☒ Ella Adkison ☐ Write-in	Charter Amendment Short Title: Mill Rate Cap Amendment
ASSEMBLY DISTRICT 1 VOTE FOR NOT MORE THAN <u>ONE</u>	SHALL THE CITY AND BOROUGH OF JUNEAU CHARTER SEC. 9.7 BE AMENDED AS FOLLOWS:
☒ Greg Smith ☐ Write-in	Section 1. ... (c)Except as provided in this section, the assembly shall not levy on real or personal property any tax exceeding the total of <u>9 mills</u> 42 mills plus that additional millage required to service general obligation indebtedness. The assembly may levy a tax exceeding this total only after seeking and securing voter approval by a majority of those voting on the question at a general or special election.
ASSEMBLY DISTRICT 2 VOTE FOR NOT MORE THAN <u>ONE</u>	Section 2. Effective Date. This measure shall be effective 30 days after enactment.
☐ Wade Bryson ☒ Nathaniel "Nano" Brooks ☐ Write-in	☒ Amend Charter section 9.7 - Mill Rate Cap. Yes
BOARD OF EDUCATION VOTE FOR NOT MORE THAN <u>THREE</u>	☐ Amend Charter section 9.7 - Mill Rate Cap. No
☒ Jenny Thomas ☒ Melissa Cullum ☒ Steve Whitney ☒ Jeremy "JJJ" Johnson ☐ Write-in ☐ Write-in ☐ Write-in	

In the above example, the voter intent is clear as intending to vote for Adkison, Smith, Brooks, and Amend-Yes by fully marking the bubbles. There are no valid votes for Board of Education.

ASSEMBLY AREA WIDE VOTE FOR NOT MORE THAN <u>ONE</u>	
☐	Ella Adkison
☐	Write-in
ASSEMBLY DISTRICT 1 VOTE FOR NOT MORE THAN <u>ONE</u>	
☒	Greg Smith
☐	Write-in
ASSEMBLY DISTRICT 2 VOTE FOR NOT MORE THAN <u>ONE</u>	
☒	Wade Bryson
☒	Nathaniel "Nano" Brooks
☐	Write-in
BOARD OF EDUCATION VOTE FOR NOT MORE THAN <u>THREE</u>	
☒	Jenny Thomas
☐	Melissa Cullum
☒	Steve Whitney
☒	Jeremy "JJJ" Johnson
☐	Write-in
☐	Write-in
☐	Write-in

The voter filled in a small amount of the Bryson bubble and the full bubble for Brooks. This is a valid vote for Brooks because it matches the pattern of other fully filled bubbles. If all bubbles had been partially filled, it would be an overvote.

This ballot has a valid vote for Smith, Brooks, Thomas, Whitney, and Johnson.

ASSEMBLY AREA WIDE VOTE FOR NOT MORE THAN <u>ONE</u>	
☒	Ella Adkison
☐	Write-in
ASSEMBLY DISTRICT 1 VOTE FOR NOT MORE THAN <u>ONE</u>	
☒	Greg Smith
☐	Write-in
ASSEMBLY DISTRICT 2 VOTE FOR NOT MORE THAN <u>ONE</u>	
☐	Wade Bryson
☒	Nathaniel "Nano" Brooks
☐	Write-in

This voter started to fill in the bubble for Brooks but stopped before completing it. Because there are clear examples of voter intent by filling in the bubble for Adkison and Smith, this is NOT a valid vote for Brooks.

This ballot has a valid vote for Adkison and Smith.

ASSEMBLY DISTRICT 2 VOTE FOR NOT MORE THAN ONE ☐ Wade Bryson ☒ Nathaniel "Nano" Brooks ☐ Write-in	The assembly may levy a tax exceeding this total only after seeking and securing voter approval by a majority of those voting on the question at a general or special election. Section 2. Effective Date. This measure shall be effective 30 days after enactment. ☒ Amend Charter section 9.7 - Mill Rate Cap. Yes ☐ Amend Charter section 9.7 - Mill Rate Cap. No
BOARD OF EDUCATION VOTE FOR NOT MORE THAN THREE ☒ Jenny Thomas ☐ Melissa Cullum ☐ Steve Whitney ☐ Jeremy "JJJ" Johnson ☐ Write-in ☐ Write-in ☐ Write-in	

While the voter circled Bryson's name, they didn't mark in the target area. This is not an overvote in District 2 because only one target bubble is appropriately filled out. This ballot has valid votes for Brooks, Thomas, and Amend-Yes.

ASSEMBLY DISTRICT 2 VOTE FOR NOT MORE THAN ONE ☐ Wade Bryson ☒ Nathaniel "Nano" Brooks ☐ Write-in	The assembly may levy a tax exceeding this total only after seeking and securing voter approval by a majority of those voting on the question at a general or special election. Section 2. Effective Date. This measure shall be effective 30 days after enactment. ☒ Amend Charter section 9.7 - Mill Rate Cap. Yes ☐ Amend Charter section 9.7 - Mill Rate Cap. No
BOARD OF EDUCATION VOTE FOR NOT MORE THAN THREE ☒ Jenny Thomas ☒ Melissa Cullum ☐ Steve Whitney ☐ Jeremy "JJJ" Johnson ☐ Write-in ☐ Write-in ☐ Write-in	

The voter has two patterns – some filled in with "x" and other bubbles fully filled in. Because both patterns are in the target area and acceptable marks, these are all valid votes for Brooks, Thomas, Cullum, and Amend-Yes.

Overvotes and Corrected Votes

An overvote is a contest where the voter has selected more options than allowed. Votes for that contest will not be counted unless the voter provided written instructions, corrections, or some other clear explanation of their intent. If the voter has provided those instructions, then the vote will count as indicated.

PROPOSITION NO. 1	
Charter Amendment Short Title: Mill Rate Cap Amendment	
SHALL THE CITY AND BOROUGH OF JUNEAU CHARTER SEC. 9.7 BE AMENDED AS FOLLOWS:	
Section 1. ... (c) Except as provided in this section, the assembly shall not levy on real or personal property any tax exceeding the total of 9 mills <u>42 mills</u> plus that additional millage required to service general obligation indebtedness. The assembly may levy a tax exceeding this total only after seeking and securing voter approval by a majority of those voting on the question at a general or special election.	
Section 2. Effective Date. This measure shall be effective 30 days after enactment.	
☒	Amend Charter section 9.7 - Mill Rate Cap. Yes
☒	Amend Charter section 9.7 - Mill Rate Cap. No

This is an overvoted race where the voter has not clearly identified a single choice. No valid vote.

While voters are instructed to strikethrough the error and write “no” next to it, there are many ways a voter can make their intent clear:

BOARD OF EDUCATION	
VOTE FOR NOT MORE THAN <u>THREE</u>	
☒	Jenny Thomas <u>NO</u>
☒	Melissa Cullum
☒	Steve Whitney
☐	Jeremy "JJJ" Johnson
☐	Write-in
☐	Write-in
☐	Write-in

This has a strikethrough and provides written instruction. Valid vote for Cullum and Whitney only.

ASSEMBLY DISTRICT 2	
VOTE FOR NOT MORE THAN <u>ONE</u>	
☒	Wade Bryson
☒	Nathaniel "Nemo" Brooks <u>NO</u> <u>Opps ignore</u>
☐	Write-in

This has a strikethrough and written instruction. Valid vote for Bryson.

Section 2. Effective Date. This measure shall be effective 30 days after enactment.	
☒	Amend Charter section 9.7 - Mill Rate Cap. Yes
☒	Amend Charter section 9.7 - Mill Rate Cap. <u>No</u>

This has a strikethrough and “no” circled. Valid vote for “No”.

BOARD OF EDUCATION
VOTE FOR NOT MORE THAN **THREE**

☒ Benny Thomas

☐ Melissa Cullum

☒ Steve Whitney

☒ Jeremy "JJJ" Johnson

☒ Write-in *Deedee Johnson* **NO**

☐ Write-in

☐ Write-in

Voter used whiteout for Thomas and struck out the write-in bubble. Valid vote for Whitney and Johnson.

Section 2. Effective Date. This measure shall be effective 30 days after enactment.

☒ Amend Charter section 9.7 - Mill Rate Cap. Yes

☒ **NO** Amend Charter section 9.7 - Mill Rate Cap. No

Voter struck through the bubble and provided written instruction. Valid vote for "yes".

ASSEMBLY DISTRICT 2
VOTE FOR NOT MORE THAN **ONE**

☒ Wade Bryson **NO**

☒ Nathaniel "Nano" Brooks **yes**

☐ Write-in

Voter struck through the bubble and provided written instruction. Valid vote for Brooks.

ASSEMBLY DISTRICT 2
VOTE FOR NOT MORE THAN **ONE**

☒ Wade Bryson *my vote for Bryson, BJB*

☒ Nathaniel "Nano" Brooks

☐ Write-in

Voter struck through the full name and provided written instruction. Valid vote for Bryson.

Voting on the question at a general or special election.

Section 2. Effective Date. This measure shall be effective 30 days after enactment.

☒ Amend Charter section 9.7 - Mill Rate Cap. Yes

☒ Amend Charter section 9.7 - Mill Rate Cap. No

Voter struck through the line only. Valid vote for "no".

31 and a 6.5% sales tax April 1 through September 30, and repeal the permanent sales tax of 1% and temporary sales tax of 3%?

☒ Seasonal Sales Tax. Yes

☒ Seasonal Sales Tax. No

Voter struck through the bubble only. Valid vote for "yes".

Section 3. Effective Date. This initiative shall be effective 30 days after enactment.

☒ Sales Tax Exemptions. Yes

☒ Sales Tax Exemptions. No

Voter struck through the bubble only. Valid vote for "yes".

repeal the permanent sales tax of 1% and temporary sales tax of 3%?

☒ Seasonal Sales Tax. Yes

☐ Seasonal Sales Tax. No

Voter struck through a partially filled bubble. Valid vote for “no”

ASSEMBLY AREA WIDE
VOTE FOR NOT MORE THAN ONE

☒ Ella Adkison *no*

☐ Write-in

Voter struck through a candidate name without filling in an alternative. No valid vote.

BOARD OF EDUCATION
VOTE FOR NOT MORE THAN THREE

☒ Jenny Thomas

☒ Melissa Cullum *no*

☒ Steve Whitney

☒ Jeremy "JJJ" Johnson

☐ Write-in

☐ Write-in

☐ Write-in

Voter made no strikethroughs but included a message. Valid vote for Thomas, Whitney, and Johnson.

repeal the permanent sales tax of 1% and temporary sales tax of 3%?

☐ Seasonal Sales Tax. Yes

☒ Seasonal Sales Tax. No *yes*

I want to vote no, sorry

Voter filled in the bubble, struck it through, then wrote a message to clarify. Valid vote for “no”.

BOARD OF EDUCATION
VOTE FOR NOT MORE THAN THREE

☒ Jenny Thomas *yes!*

☐ Melissa Cullum

☒ Steve Whitney

☐ Jeremy "JJJ" Johnson

☐ Write-in *no!*

☐ Write-in

☐ Write-in

Voter filled in the bubble, struck through the name, then wrote a message to clarify. Valid vote for Thomas and Whitney.

ASSEMBLY AREA WIDE
VOTE FOR NOT MORE THAN ONE

☒ Ella Adkison

☒ Write-in *no OK-YES*

The voter fully filled in the bubble for Adkison, partially filled in the bubble for write-in, struck out the partial bubble, wrote “no”, struck out “no” and wrote “ok-yes”. This is unclear voter intent and would be classified as an

overvote. No valid vote.