

Introduced by: KIB Assembly  
Requested by: KIB Assembly/Clerk  
Drafted by: KIB Clerk  
Introduced On: 04/02/2009  
Public Hearing: 05/07/2009  
Adopted: 05/07/2009

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2009-19**

**AN ORDINANCE OF THE KODIAK ISLAND BOROUGH ASSEMBLY  
AMENDING THE KODIAK ISLAND BOROUGH  
CODE OF ORDINANCES TITLE 7 ELECTIONS**

**WHEREAS,** the Assembly desires to make changes to the Election Code of the Kodiak Island Borough to bring it into compliance with existing laws.

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:**

**Section 1:** This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances.

**Section 2:** Title 7 of the Kodiak Island Borough Code of Ordinances is amended as follows:

**Title 7  
ELECTIONS<sup>1, 2</sup>**

**Chapters:**

- 7.10 General Provisions**
- 7.20 Qualifications of Voters and Candidates**
- 7.30 Procedures for Conduct of Elections**
- 7.40 Canvassing and Certification of Election Returns**
- 7.50 Absentee Voting**
- 7.60 Election Pamphlet**
- 7.70 Elections by Mail**

<sup>1</sup>For statutory provisions governing municipal elections, see AS 26.29.26; for provisions requiring the assembly to prescribe the general rules for the conduct of municipal elections, see AS 29.26.010.

<sup>2</sup>Editor's note: Chapter 2.01 KIBC, adopted by Ord. 86-22-O and amended by Ord. 88-05-O and Ord. 90-07, was renumbered and moved to KIBC Title 7 in January 1991 at the direction of the clerk.

45 **Chapter 7.10**  
46 **GENERAL PROVISIONS**

47  
48 Sections:

- 49 7.10.010 Incorporation of state and federal law.
- 50 7.10.020 Severability.
- 51 7.10.025 Propositions and questions.
- 52 7.10.030 Liquor sales permitted.
- 53 7.10.040 Clerk to administer elections.
- 54 7.10.050 Time of election.
- 55 7.10.060 Notice of elections.
- 56 7.10.070 Election expenses.
- 57 7.10.080 Election supplies and equipment.
- 58 7.10.090 Preservation of election ballots, papers and materials.
- 59 7.10.100 Definitions.

60  
61 **7.10.010 Incorporation of state and federal law.**

62 All provisions of the Constitution of the United States, the Constitution of the state and any  
63 laws pursuant to said Constitution affecting borough elections are incorporated in this chapter  
64 as if fully set out in this chapter.

65  
66 **7.10.020 Severability.**

67 If any provision of this title or its application to any person or set of circumstances is held  
68 invalid, the remainder of the chapter or its application to other persons or circumstances shall  
69 not be affected.

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71 **7.10.025 Propositions and Questions.**

72 An ordinance placing propositions and questions before the voters must be adopted not  
73 later than 53 calendar days before a regular election, or 60 calendar days before a special  
74 election.

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76 **7.10.030 Liquor sales permitted.**

77 The provisions of AS 4.16.070(a) do not apply in the borough when elections are being held.

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79 **7.10.040 ~~Clerk to administer~~ Administration of elections.**

80 A. In this title, the assembly has prescribed the general rules for the conduct of borough  
81 elections.

82 B. The clerk, in accordance with the provisions of this title, shall administer all borough  
83 elections. The clerk ensures that the borough complies with the U.S. Voting Rights Act to make  
84 sure that minority-speaking residents are able to exercise their right to vote. Preclearance shall  
85 be obtained from the Department of Justice prior to holding a special election, as required by  
86 the Federal Voting Rights Act.

87  
88 **7.10.050 Time of election.**

89 A. Regular elections shall be held on the first Tuesday in October each year.

90 B. All elected officials of the borough shall be elected at the regular election in such years  
91 as their respective terms of office expire.

92 C. The polls shall be open in each precinct for the purpose of voting in accordance with the  
93 established state hours for the election.

94 D. Initiative and referendum elections. The provisions in AS 29.26.170 shall apply for  
95 initiative elections and AS 29.26.180 for referendum elections.

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**7.10.060 Notice of elections.**

98 A. The clerk shall post a notice of each regular election in three public places and publish at  
99 least twice in one or more newspapers of general circulation in the borough, the first such  
100 publication to be accomplished at least 30 days prior to the election. For special elections, the  
101 first such publication is to be accomplished at least 20 days prior to the election. The clerk shall  
102 give such other notice to the public as may be required by resolution of the assembly.

103 B. Each notice of election shall include:

- 104 1. The type of election, regular or special;  
105 2. The date of the election;  
106 3. The hours the polls will be open;  
107 4. The offices to which candidates are to be elected;  
108 5. The subjects of propositions and questions to be voted upon;  
109 6. Voter qualifications and instructions for registration; and  
110 7. Instruction for absentee voting; and  
111 8. Location of precinct polling places.

112 C. At least one day before the election, the clerk shall ~~cause to be posted at each polling~~  
113 ~~place where the election is to be held,~~ publish in a newspaper of general circulation and post in  
114 at least three public places in the borough ~~specimen~~ sample ballots with instructions to voters.  
115 ~~Specimen~~ Sample ballots shall be substantially similar to the official ballots and shall be marked  
116 "sample ballot" in place of the words "official ballot."

117 D. Before a general obligation bond issue election, the clerk shall publish notice of the  
118 borough's total existing bonded indebtedness at least once a week for three consecutive weeks.  
119 The first notice shall be published at least 20 calendar days before the date of the election. The  
120 notice shall state:

- 121 1. The current total general obligation bonded indebtedness, including authorized but  
122 unsold bonds of the borough;  
123 2. The cost of the debt service on the current indebtedness; and  
124 3. The total assessed valuation of property in the borough.

125

126 **7.10.070 Election expenses.**

127 A. The borough shall pay all necessary election expenses, including those of securing  
128 polling places and providing ballot boxes, ballots, voting booths or screens, national flags, and  
129 other supplies and any wages to election officials unless otherwise provided by this code.

130 B. The borough shall pay each election board member and canvass board member the  
131 hourly rate provided for similar election officials for state elections for the time spent at their  
132 election duties, including the receiving of instructions.

133

134 **7.10.080 Election supplies and equipment.**

135 A. ~~Before the opening of the polls, the~~ The clerk shall furnish to the election board of each  
136 precinct ~~the state voter registration list for that~~ a precinct register and shall equip and supply  
137 each polling place with sufficient materials for that precinct's election, including those materials  
138 required by this section.

139 B. The clerk shall prepare instructions explaining to voters how to obtain ballots, how to  
140 mark them, and how to obtain new ballots to replace those destroyed or spoiled. These  
141 instructions ~~shall be printed on cards in large, clear type and~~ shall be distributed to the election  
142 boards to be prominently displayed in each polling place. The clerk shall provide booths at each  
143 polling place with appropriate supplies and conveniences to enable each voter to mark ~~his~~ the  
144 voter's ballot screened from observation. Ballot boxes shall be placed outside the voting booths  
145 in plain view of the election officials, voters, and other persons at the polling place.

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**7.10.090 Preservation of election ballots, papers, and materials.**

The clerk shall preserve all precinct election certificates, tallies, precinct registers, receipts for ballots, all voted ballots, and declarations of candidacy filed as set by the records retention schedule resolution. These materials may be destroyed after their retention period has lapsed unless an application for a recount has been filed and not completed, or unless their destruction is stayed by an order of the court. Certificates of the canvass board are to be preserved as permanent records.

**7.10.100 Definitions.**

In this chapter, unless the context requires otherwise:

~~The masculine includes the feminine;~~

“Clerk” means the borough clerk or any properly authorized assistant or designee;

“Days” includes weekends and holidays;

“Election” includes any regular or special election of the borough;

“Election officials” means the clerk or ~~his~~ the clerk’s designee, election judges, election clerks, receiving/counting team, and canvassing boards;

“Election supervisor” means the clerk;

“Oath” includes affirmation;

“Precinct” means the territory established by the state;

“Proposition” includes question;

“Publication” means a newspaper of general circulation or posting in public places;

“Qualified voter” means any voter who:

1. Is a citizen of the United States;
2. ~~Has passed his eighteenth birthday~~ is 18 years of age or older;
3. Has been a resident of the state and of the borough for at least 30 days just before the election;
4. Has registered at least 30 days before the election as required by AS 15.07 and is not registered to vote in another jurisdiction; and
5. Is not disqualified under Article V of the State Constitution;

“Regular election” means a general election to fill assembly offices as required by KIBC 7.10.050(B);

“Special election” means any election held at a time other than when a regular election is held;

“Swear” includes affirm; and

“Voter” means any person who presents ~~him~~oneself for the purpose of voting, either in person or by absentee ballot.

**Chapter 7.20  
QUALIFICATIONS OF VOTERS AND CANDIDATES**

Sections:

- 7.20.010 Qualifications of voters.
- 7.20.015 Rules for determining residence of a voter.**
- 7.20.020 Candidate qualifications.
- 7.20.030 Declaration of candidacy ~~by petition~~.
- 7.20.035 Public official financial disclosure statements.**
- 7.20.040 Corrections, amendments and withdrawal of nominating petitions.

**7.20.010 Qualifications of voters.**

A. A person is qualified to vote in borough-wide elections who:

1. Is a citizen of the United States;
2. ~~Has passed his eighteenth birthday~~ Is 18 years of age or older;

199 3. Has been a resident of ~~the state and~~ of the borough and the precinct in which the  
200 person seeks to vote for at least 30 days preceding the election;

201 4. Is registered to vote in state elections at a residence address within a municipality at  
202 least 30 days before the election at which the person seeks to vote;

203 54. Has registered at ~~least 30 days~~ before the election as required under AS 15.07 with  
204 ~~the state~~ and is not registered to vote in another jurisdiction; and

205 65. Is not disqualified under Art. V of the State Constitution.

206 B. A person is qualified to vote in a service area election if the person meets the ~~above~~  
207 requirements of subsection A of this section and has been a resident of the service area in  
208 which the person seeks to vote for at least 30 days immediately preceding the election.

209 C. If a voter's polling place is in question, a voter shall be allowed to vote and any election  
210 official shall consider the ballot as a questioned ballot.

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212 **7.20.015 Rules for determining residence of voter.**

213 For the purpose of determining residence for voting, the place of residence is governed by  
214 the following rules:

215 A. The residence of a person is that place in which habitation is fixed and to which,  
216 whenever the person is absent, the person has intention to return. If a person resides in one  
217 place but does business in another, the former is the person's place of residence. There can  
218 only be one residence.

219 B. A person does not gain or lose residence solely by reason of the person's presence while  
220 employed in the service of the United States or of this state, or while a student of an institution  
221 of learning, while in an institution or asylum at public expense, or while confined in a public  
222 prison or while residing upon an Indian or military reservation.

223 C. No member of the armed forces of the United States, the person's spouse or dependent  
224 is a resident of this state solely by reason of being stationed in the state.

225 D. A person does not lose residence if the person leaves home and goes to another country,  
226 state, or place in this state for temporary purposes only and with the intent of returning.

227 E. A person does not gain a residence in a place to which the person's comes without a  
228 present intent to establish a permanent dwelling there.

229 F. A person loses residence in this state if the person votes in another state's election, either  
230 in person or by absentee ballot, and will not be eligible to vote in this state until again qualifying  
231 under AS 15.05.010 and this chapter.

232 G. The term of residence is computed by including the day on which the person's residence  
233 commences and by excluding the day of the election.

234

235 **7.20.020 Candidate qualifications.**

236 A. Candidates for mayor, assembly, and school board must be qualified voters of the  
237 borough and residents of the borough for one year at the time of filing.

238 B. A person may not serve simultaneously as mayor and as a member of the assembly, as  
239 mayor and a member of the school board, or as a member of the assembly and member of the  
240 school board.

241 C. No elected official of the borough may hold any other compensated borough office or  
242 borough employment, or elected position in the state or federal government while in office.

243 D. No person shall be a candidate for more than one assembly seat at any election.

244 BE. Candidates for service area boards must be qualified voters of the borough and  
245 residents of the service area for at least 30 days immediately preceding filing for office.

246 F. Candidates shall provide proof that they are eligible, or shall be eligible by the date of the  
247 election, to be recognized as a candidate for any election.

248 G. Write-in candidates for mayor, assembly, and school board shall file an Alaska Public  
249 Offices Commission (APOC) official financial disclosure statement with the clerk as required by  
250 the provisions of AS 39.50.

251

252 **7.20.030 Declaration of candidacy by petition.**

253 A. At least ~~65~~ 75 days before each regular election, the clerk shall publish in one or more  
254 newspapers of general circulation in the borough a notice of offices to be filled at the election  
255 and the ~~manner of making nominations~~ the procedure for filing a declaration of candidacy.

256 B. ~~Any qualified person may have his name placed on the ballot as a candidate for any~~  
257 ~~elective office by filing no earlier than 57 days nor later than 30 days before the regular election,~~  
258 ~~with the clerk, a nominating petition signed by 10 qualified voters of the borough. Candidates for~~  
259 ~~elective office shall file a conflict of interest statement in accordance with the provisions of~~  
260 ~~Alaska Statutes at the time of filing the nominating petition.~~ Packets containing declarations of  
261 candidacy shall be available from the clerk's office no later than the day the filing period opens.  
262 Declarations of candidacy shall be submitted in original form and shall not be submitted  
263 electronically.

264 C. A declaration of candidacy shall be in a form provided by the clerk and shall state the  
265 following:

266 1. The full name of the candidate, and the manner in which the candidate wishes the  
267 candidate's name to appear on the ballot;

268 2. The full residence and mailing addresses of the candidate;

269 3. The office for which the candidate declares;

270 4. That the candidate is qualified for the office as provided by law;

271 5. The date and notarized statement of the candidate;

272 6. The candidate shall certify information contained in the declaration of candidacy is true  
273 and accurate;

274 7. Any other information that the clerk reasonably requires to determine whether the  
275 candidate is qualified for the office as provided by law.

276 8. The declaration of candidacy must be signed by 10 qualified voters of the borough.

277 D. Filing for elective offices shall be made by filing a declaration of candidacy with the clerk  
278 from August 1 through August 15, 4:30 p.m. Should August 15 fall on a Saturday or Sunday,  
279 candidates shall have until 4:30 p.m. on the first Monday following to file their declaration.

280 E. ~~C. Nominating petitions shall be provided by the clerk not earlier than 65 days prior to the~~  
281 ~~election and shall include a provision for a statement by the candidate affirming his~~  
282 ~~qualifications to fill the office for which he is filing.~~ Within four business days after filing a  
283 declaration of candidacy, the clerk shall notify the candidate as to whether it is in proper form. If  
284 not, the clerk shall immediately return the declaration of candidacy to the candidate with a  
285 statement certifying how the nominating petition is deficient.

286

287 **7.20.035 Public official financial disclosure statements.**

288 A. Candidates for elective borough office and declared write-in candidates shall file an  
289 Alaska Public Offices Commission (APOC) official financial disclosure statement with the clerk  
290 as required by the provisions of AS 39.50 at the time of filing a declaration of candidacy. The  
291 name of the candidate shall be placed on the ballot by the clerk only after the candidate has  
292 complied with this requirement. This subsection does not apply to candidates for service area  
293 boards.

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295 **7.20.040 Corrections, amendments and withdrawal of nominating petitions.**

296 A. Any candidate may correct, amend, or withdraw the candidate's ~~nominating~~ declaration of  
297 candidacy at any time during the period for filing nominating petitions by appropriate written  
298 notice to the clerk. However, after the filing has closed, no ~~petition~~ declaration of candidacy may  
299 be corrected, amended, or withdrawn.

300 B. ~~A nominating petition presented shall not be changed as to term of office. If a candidate~~  
301 ~~desires to file for a different seat, he shall request that the prior petition be withdrawn and obtain~~  
302 ~~a new form from the clerk.~~ If a person chooses to run for a different seat, a declaration of

303 candidacy for that seat shall be filed with the clerk's office. A declaration of candidacy for a  
304 particular seat may not be substituted for another office or seat.

305

306 **Chapter 7.30**

307 **PROCEDURES FOR CONDUCT OF ELECTIONS**

308

309 **Sections:**

- 310 7.30.010 Election officials.
- 311 7.30.020 Precincts and polling places.
- 312 7.30.030 Ballots – Form.
- 313 7.30.040 Ballots – Distribution.
- 314 7.30.050 Voting devices and machines.
- 315 7.30.060 Voting procedures at the polls.
- 316 7.30.070 Questioned votes ~~ing procedures.~~
- 317 7.30.080 Disposition of questioned votes.
- 318 7.30.090 Unused ballots.
- 319 7.30.100 ~~Counting ballots~~ Official closing of polls.
- 320 7.30.110 ~~Completion of~~ General procedure for ballot count.
- 321 7.30.120 Rules for ~~determining mark~~ counting ballots.
- 322 7.30.130 Tally of votes.

323

324 **7.30.010 Election officials.**

325 A. The assembly shall appoint at least three ~~judges~~ election officials in each precinct to  
326 constitute the election board of that precinct. The ~~borough~~ clerk is the election supervisor. One  
327 ~~judge~~ election official shall be designated as chair and shall be ordinarily responsible for  
328 administering the election in that precinct. The ~~borough~~ clerk may appoint ~~up to three~~ additional  
329 election ~~clerks~~ officials at any polling place where they are needed to conduct an orderly  
330 election and to relieve the ~~election judges~~ other election officials of undue hardship.

331 B. All election officials should attend a training session unless personally and specifically  
332 excused for cause by the ~~borough~~ clerk. If any appointed election official is not able to or  
333 refuses to serve on election day, the ~~borough~~ clerk may appoint a replacement for that official.

334 C. Each election official serving at a precinct polling place must be a qualified voter and, if  
335 possible, a resident within the precinct for which appointed.

336 D. All election ~~judges and clerks~~ officials, before entering upon their duties, must subscribe  
337 to the oath required of all public officers by the constitution of the state in the manner prescribed  
338 by the ~~borough~~ clerk.

339 E. ~~Candidates or members of the candidate's immediate family shall not serve as officials for~~  
340 ~~the election in which he is a candidate.~~ Candidates shall not serve as election officials. Certain  
341 familial relationships may not exist between a candidate and a precinct election official, member  
342 of a ballot receiving/counting team or canvass board in regular or special elections. Those  
343 familial relationships are:

- 344 1. Mother, mother-in-law, stepmother;
- 345 2. Father, father-in-law, stepfather;
- 346 3. Sister, sister-in-law, stepsister;
- 347 4. Brother, brother-in-law, stepbrother;
- 348 5. Spouse; or
- 349 6. Person sharing the same living quarters.

350 F. If the clerk knows or learns that any of these relationships exist, the precinct election  
351 official shall be notified and replaced.

352

353 **7.30.020 Precincts and polling places.**

354 A. The precincts established by the state and set forth in the Alaska Administrative Code  
355 shall be the precincts for all elections. The ~~borough~~ clerk shall secure a polling place for each

356 precinct for each election. Whenever practicable, the polling place shall be located within the  
357 precinct.

358 B. No later than 20 days before each regular and special election, the borough clerk shall  
359 publish in one or more newspapers of general circulation in the borough the locations of the  
360 precinct polling places. Such publication shall be repeated at least once no later than the day  
361 prior to the election.

### 362 363 **7.30.030 Ballots – Form.**

364 The clerk shall prepare all official ballots to facilitate fairness, simplicity, and clarity in the  
365 voting procedure, to reflect most accurately the intent of the voter, and to expedite the  
366 administration of elections. The following directives shall be followed when applicable:

367 A. The clerk shall determine the size of the ballot, the type of print, necessary additional  
368 instructions to voters, and other similar matters of form not provided by law.

369 B. The clerk may contract for the preparation of ballots, instructions to voters, and other  
370 similar matters of form not provided by law without obtaining competitive bids.

371 C. Ballots shall be prepared in the manner prescribed by law for state elections, insofar as  
372 such prescription is applicable to nonpartisan elections. The ballots shall be numbered in series  
373 to assure simplicity and secrecy and to prevent fraud, the number being placed in an area set  
374 off by perforations for ease of removal.

375 D. All candidates to the same office shall be shown on one ballot. The title of each office to  
376 be filled shall be followed by the printed names of all candidates for that office, and provisions  
377 shall be made for write-ins equal in number to the positions to be filled. The names of  
378 candidates shall be printed as they appear upon the declaration of candidacy except that any  
379 honorary or assumed title or prefix shall be omitted. The words "Vote for not more than \_\_\_\_\_,"  
380 with the appropriate number replacing the blank, shall be placed before the lists of candidates  
381 for each office. Names of candidates shall appear on the ballot with the position of names of the  
382 candidates set out in the same order in each section on each ballot used as prescribed in  
383 Alaska Statutes for state elections. However, the order of placement of the names of the  
384 candidates for each office shall be randomly determined by the clerk for ballots printed for use.

385 E. Following the offices and candidates, there shall be placed on the ballot or on separate  
386 ballots, as the clerk may determine, all propositions or questions to be voted on. The words  
387 "YES" and "NO" shall be placed below the statement of each proposition or question. The clerk  
388 shall determine the number of ballots to be used to present all offices, propositions, and  
389 questions to the qualified voter.

390 F. Each ballot shall bear the words "Official Ballot" and the date of the election.

391 G. The clerk shall have printed and available at each polling place, on election day and in  
392 the clerk's office preceding the election, ~~the appropriate tinted~~ sample ballots for each election.

### 393 394 **7.30.040 Ballots – Distribution.**

395 A. The clerk shall have possession of the ballots at least 15 days before each regular  
396 election. At that time, the ballots may be inspected by any candidate whose name is on the  
397 ballot, or his the candidate's authorized agent, and any mistake discovered shall be corrected  
398 immediately. Sufficient ballots for the registered voters of each precinct shall be delivered to the  
399 election board for that precinct.

400 B. The ballots shall be delivered in a separate sealed package, with the number of ballots  
401 enclosed clearly marked on the outside of the package. A receipt shall be taken for the election  
402 board member to whom each package is delivered in person or by mail.

### 403 404 **7.30.050 Voting devices and machines.**

405 Voting devices and machines will be used for all regular and special elections unless  
406 determined not to be practical by the clerk. ~~The laws of the state concerning voting devices and  
407 machines are incorporated in this chapter as if fully set out in this chapter except for provisions  
408 in conflict with this chapter.~~ All necessary supplies for the assistance of voters, such as sample



409 ballots, instructions, booths, etc., shall be provided. ~~in the same manner as when paper ballots~~  
410 ~~are used.~~

411  
412 **7.30.060 Voting procedures at the polls.**

413 A. Before issuing any ballots, the election board must, in the presence of any persons  
414 assembled at the polling place, open and exhibit the ballot box to be used at the polling place as  
415 empty. The ballot box then shall be closed and shall not be opened again or removed from the  
416 polling place until the polls have closed.

417 B. ~~The judges election officials shall keep an original precinct register in which each voter,~~  
418 ~~before receiving his ballot, shall sign his name. The signing of the register constitutes a~~  
419 ~~declaration by the voter that he is qualified to vote. A record shall be kept in the registration list~~  
420 ~~in the space provided of the name of persons who offer to vote but who actually do not vote and~~  
421 ~~a brief statement of explanation.~~

422 The election official shall keep a precinct register in which each voter, before receiving a  
423 ballot shall sign the voter's name. By signing the register, the voter declares that the voter is  
424 qualified to vote. If a voter signs the precinct register and then leaves the polling place without  
425 voting or votes a questioned ballot, the election official shall cross the voter's name off the  
426 precinct register and make a note next to the name that the voter did not vote. If a voter's polling  
427 place is in question, a voter shall be allowed to vote and ~~any election official shall consider the~~  
428 ~~ballot as a questioned ballot.~~

429 C. Before being allowed to vote, each voter shall exhibit to an election judge official one  
430 form of identification listed on the "Have ID" poster from the state, ~~including but not limited to an~~  
431 ~~official voter registration card, driver's license, birth certificate, passport, or hunting or fishing~~  
432 ~~license.~~ An election judge official may waive the identification requirement if ~~he~~ the official  
433 knows the identity of the voter, except when "Must Show ID" is printed in the signature block  
434 above the voter's name. The ID requirement for this voter may not be waived. A voter who  
435 cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.

436 D. When the voter is qualified to vote, the election judge official shall give ~~him~~ the voter an  
437 official ballot. The voter shall retire to a booth or private place to mark the ballot. The ballot must  
438 be voted at the polling place and no ballot may be removed from the polling place until the  
439 election judges officials have completed their post election duties.

440 E. ~~A qualified voter who cannot read, mark the ballot, or sign his name may request an~~  
441 ~~election judge official, a person, or not more than two persons of his choice to assist him. If the~~  
442 ~~election judge official is requested, he shall assist the voter. If any other person is requested,~~  
443 ~~the person shall state upon oath before the election judge official that he will not divulge the vote~~  
444 ~~cast by the person whom he assists. Intoxication shall not be regarded as a physical disability,~~  
445 ~~and no intoxicated person should receive assistance in marking his ballot.~~ A qualified voter who  
446 cannot read and mark the ballot, or sign the register, may request an election official, a person,  
447 or not more than two persons, chosen by the voter, to provide assistance. Upon the voter's  
448 request, the election official shall provide the assistance. If any other person is requested, that  
449 person shall state upon oath before the election official that the person shall not divulge the vote  
450 cast by the voter. Intoxication shall not be regarded as a physical disability, and no intoxicated  
451 person should receive assistance in marking that voter's ballot.

452 F. If a voter improperly marks or otherwise damages a ballot, ~~he~~ the voter shall return it to  
453 the election officials, concealing the manner in which it is marked from view, and shall request a  
454 new ballot. The election officials shall destroy the ~~damaged~~ spoiled ballot after having recorded  
455 it in the spoiled ballot accountability statement ~~s~~ number and shall issue a new ballot to the  
456 voter. ~~A voter may request replacement of a damaged ballot no more than three times.~~ The  
457 destroyed ballot should be kept and stored in the spoiled ballots envelope. A voter may only be  
458 issued up to two replacement ballots. No voter should receive more than three ballots.

459 G. ~~Fifteen minutes before closing the polls, the time remaining before such closure shall be~~  
460 ~~proclaimed. When the polls are closed for the purposes of voting, that fact shall likewise be~~

461 ~~proclaimed and thereafter no ballot shall be issued except to those voters who were present and~~  
462 ~~waiting their turn to go through the voting procedure at the time prescribed for closing the polls.~~  
463

464 **7.30.070 Questioned voting procedures.**

465 A. ~~Every election judge official and election clerk shall question, and any person qualified to~~  
466 ~~voter may question in the precinct, or qualified to vote in the particular election involving less~~  
467 ~~than an entire precinct in the case of service areas may question,~~ a person attempting to vote if  
468 the questioner has good reason to suspect that the questioned person is not qualified to vote  
469 under KIBC 7.20.010. All questions regarding a person's qualifications to vote shall be made in  
470 writing setting out the reason the person has been for the questioned. A questioned person,  
471 before voting, shall fill out the questioned ballot oath and affidavit envelope and subscribe to an  
472 oath and sign the affidavit on the form. ~~provided by the borough clerk attesting to the fact that, in~~  
473 ~~each particular case, the person meets all the qualifications of a voter, that is not disqualified,~~  
474 ~~and that has not voted at the same election.~~ After the questioned person has taken the oath and  
475 signed the affidavit, the person may vote. If the questioned person refuses to take the oath or  
476 sign the affidavit, the person may not vote.

477 B. If a voter's polling place is in question, ~~he~~ the voter shall be allowed to vote, ~~and any~~  
478 ~~election official shall consider the ballot as a questioned ballot. The voter whose ballot is being~~  
479 ~~questioned shall by complete filling out a statement concerning his residence on a form~~  
480 ~~provided by the borough clerk questioned ballot oath and affidavit envelope.~~  
481

482 **7.30.080 Disposition of questioned votes.**

483 A voter who casts a questioned ballot shall vote ~~his~~ the ballot in the same manner as  
484 prescribed for other voters. After the election judge official removes the numbered stub from the  
485 ballot, the voter shall insert the ballot into a small blank gray envelope, seal it, and put the gray  
486 envelope in ~~to a larger envelope on which the statement he previously signed is located~~ the  
487 questioned ballot oath and affidavit envelope. These ~~larger~~ questioned ballot oath and affidavit  
488 envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these  
489 envelopes shall be counted (unopened) and compared to the voting list, segregated, and  
490 delivered to the borough clerk for delivery to the canvass board. The election canvass board  
491 shall review and judge the applicability of all questioned ballots.  
492

493 **7.30.090 Unused ballots.**

494 The numbers of all ballots not issued shall be recorded and ~~then all such ballots shall be~~  
495 ~~disposed of as instructed by the borough clerk before the ballot box is opened~~ returned to the  
496 clerk. The numbers of ballots damaged spoiled by voters and replaced by election officials shall  
497 also be recorded. The record of ballots not issued and ballots damaged spoiled and replaced  
498 shall be preserved as set by the records retention schedule resolution.  
499

500 **7.30.100 Counting ballots Official closing of polls.**

501 A. ~~The opening of the ballot box and the counting of ballots shall be accomplished in full~~  
502 ~~view of any persons present. However, the chair of the election board shall not permit anyone~~  
503 ~~present to interfere in any way or to distract the appointed officials from their duties and no one~~  
504 ~~other than appointed election officials may handle the ballots.~~

505 B. ~~Immediately following the closing of the polls, the election officials shall open the ballot~~  
506 ~~box and count the number of ballots cast with necessary adjustments to account for the number~~  
507 ~~of ballots required to present to each voter all the offices and propositions on which he is~~  
508 ~~entitled to vote; the number of ballots cast shall agree with the number of signatures on the~~  
509 ~~precinct register. If a discrepancy exists which cannot be resolved, the election officials shall~~  
510 ~~explain the discrepancy to the best of their ability in writing for delivery to the borough clerk.~~

511 C. ~~If computer counted ballots are used, the election officials shall make a preliminary~~  
512 ~~inspection of the ballot cards, separating those obviously damaged or marked in a questionable~~  
513 ~~manner. After the preliminary inspection is complete, all the ballots shall be placed in the~~

514 container provided and a seal affixed. The sealed container shall be delivered to the counting  
515 center by two or more election judges. In the event that election judges of a precinct are unable  
516 personally to deliver the ballots of their precinct to the counting center due to weather or road  
517 conditions, delivery may be arranged with all due and proper safeguards, by the state or city  
518 police.

519 D. If paper ballots are used, the election board shall tally the votes cast in the manner  
520 prescribed in this chapter.

521 E. Ballots may not be counted before 8 p.m., local time, on the day of the election.

522 Fifteen minutes before closing the polls, the time remaining before such closure shall be  
523 proclaimed. When the polls are closed for the purposes of voting, that fact shall likewise be  
524 proclaimed and thereafter no ballot shall be issued except to those voters who were present and  
525 waiting their turn to go through the voting procedure at the time prescribed for closing the polls.  
526 Failure to make the announcement at 15 minutes before closing time shall not in any way  
527 invalidate the election or extend the time for closing of the polls.

528

### 529 **7.30.110 Completion of General procedure for ballot count.**

530 When the tally of hand counted ballots is completed, and in no event later than the day after  
531 the election, the election board shall complete in duplicate the certificate of returns indicating the  
532 number of votes cast for each candidate, for and against each proposition, yes or no on each  
533 question, and any additional information prescribed by the borough clerk. The election board  
534 shall, immediately upon completion of the certificate or as soon thereafter as the local mail  
535 service permits, send in one sealed package to the borough clerk one copy of the certificate and  
536 the register. In addition, all ballots properly cast shall be mailed or hand delivered to the  
537 borough clerk in a separate, sealed package. Both packages, in addition to an address on the  
538 outside, shall clearly indicate the precinct from which they come. In those areas of the borough  
539 where ballots are counted by hand, the chair shall forward their election results by telephone,  
540 telegram or radio on the night of the election. To assure adequate protection, the borough clerk  
541 shall prescribe the manner in which the ballots, registers, and all other election records and  
542 materials are thereafter preserved, transferred, and destroyed.

543 A. The clerk shall prescribe the manner in which the precinct ballot count is accomplished  
544 so as to ensure accuracy in the count and to expedite the process. The election officials shall  
545 account for all ballots by completing a ballot accountability statement containing (1) the number  
546 of official ballots received; (2) the number of official ballots voted; (3) the number of official  
547 ballots spoiled; (4) the number of official ballots unused and either destroyed or returned for  
548 destruction to the clerk. The election officials shall count the number of questioned ballots and  
549 compare that number to the number of questioned voters in the register. Discrepancies shall be  
550 noted and explained to the best of the election official's ability in writing for delivery to the  
551 borough clerk. The election board, in hand-count precincts, shall count the ballots in a manner  
552 that allows watchers to see the ballots when opened and read. A person handling the ballot  
553 after it has been taken from the ballot box and before it is placed in the envelope for mailing  
554 may not have a marking device in hand or remove a ballot from the immediate vicinity of the  
555 polls.

556 B. Ballots may not be counted before 8:00 p.m., local time, on the day of the election.

557

### 558 **7.30.120 Rules for determining mark counting ballots.**

559 A. All canvassing and counting of ballots will be conducted according to the following rules:

560 1. A failure to properly mark a ballot as to one or more candidates does not in itself  
561 invalidate the entire ballot.

562 2. A voter may mark his ballot only by using punch marks as may be made through use  
563 of the provided ballot marking machine or, if paper ballots are used, a cross mark, "X" mark,  
564 diagonal, horizontal or vertical mark, solid mark, circle, or asterisk shall be made with pencil or  
565 pen and ink. The marks will be counted only if they are substantially inside the squares ovals

566 provided, or touching the squares ovals so as to indicate clearly that the voter intended the  
567 particular squares ovals to be designated.

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

570 4. If a voter marks more names than there are persons to be elected to the office, the  
571 votes for that office will not be counted.

572 5. Improper marks on the ballot will not be counted and will not invalidate marks for  
573 candidates properly made.

574 6. Any erasure or correction invalidates only that section of the ballot on which it  
575 appears.

576 7. Write-in votes are not invalidated by writing in the name of a candidate whose name is  
577 printed on the ballot unless the printed name is for the same office and has also been marked or  
578 unless the election board determines, on the basis of other evidence, that the ballot was so  
579 marked as to be for the purpose of identifying the ballot.

580 8. In order to vote for a write-in candidate, the voter must write in the candidate's name  
581 in the space provided and, in addition, mark the square oval opposite the candidate's name in  
582 accordance with subsection (A)(2) of this section.

583 9. Stickers bearing the candidate's name may not be used on the ballot.

584 10. Votes cast for a candidate who is disqualified shall not be counted for any purpose.

585 B. The rules set out in this section are mandatory and there shall be no exceptions to them.

586 A ballot may not be counted unless marked in compliance with these rules.

587 A. The election board shall count ballots according to the following rules:

588 1. A voter may mark a ballot only by filling in, making "X" marks, diagonal, horizontal, or  
589 vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly  
590 spaced in the oval opposite the name of the candidate, proposition, or question that the voter  
591 desires to designate.

592 2. A failure to properly mark a ballot as to one or more candidates does not itself  
593 invalidate the entire ballot.

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

596 4. If a voter marks more names than there are persons to be elected to the office, the  
597 votes for candidates for that office may not be counted.

598 5. The mark specified in (1) of this subsection shall be counted only if it is substantially  
599 inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the  
600 particular oval to be designated.

601 6. Improper marks on the ballot may not be counted and do not invalidate marks for  
602 candidates properly made.

603 7. An erasure or correction invalidates only that section of the ballot in which it appears.

604 8. Write-in votes are not invalidated by writing in the name of a candidate whose name is  
605 printed on the ballot unless the election board determines, on the basis of other evidence, that  
606 the ballot was so marked for the purpose of identifying the ballot.

607 9. In order to vote for a write-in candidate, the voter must write in the candidate's name  
608 in the space provided and fill in the oval opposite the candidate's name in accordance with (1) of  
609 this subsection.

610 10. Stickers bearing the candidate's name may not be used on the ballot.

611 B. The rules set out in this section are mandatory and there shall be no exceptions to them.  
612 A ballot may not be counted unless marked in compliance with these rules.

613

614 **7.30.130 Tally of votes.**

615 A. ~~Tally of Votes Cast by Paper Ballot. The borough clerk shall issue instructions and shall~~  
616 ~~provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy~~  
617 ~~and to expedite the process. The election board shall canvass and count the votes according to~~  
618 ~~the rules for determining marks on ballots prescribed in KIBC 7.30.120. The election board shall~~

619 ~~canvass the ballots in a manner that allows watchers to see the ballots when opened and read.~~  
620 ~~No person handling the ballot after it has been taken from the ballot box and before it is placed~~  
621 ~~in the envelope for delivery to the borough clerk may remove a ballot from the immediate vicinity~~  
622 ~~of the polls or have a marking device in hand.~~

623 ~~B. Tally of Votes by Computer.~~

624 ~~1. Election judges and clerks serving at the counting center shall be appointed in the~~  
625 ~~same manner as those serving at the polling places. Any qualified voter of the borough may be~~  
626 ~~appointed for this service.~~

627 ~~2. Upon receipt of the ballot container, an election official shall test the seal and certify~~  
628 ~~that it has not been broken. If there is a discrepancy, it shall be brought to the borough clerk's~~  
629 ~~attention at this time.~~

630 ~~3. After certification that the seal on the ballot container was intact upon receipt, a~~  
631 ~~counting center official shall break the seal and remove the ballots. Those ballots that cannot be~~  
632 ~~processed by the computer due to physical damage shall be stamped "DEFECTIVE" and shall~~  
633 ~~be delivered to the control board.~~

634 ~~4. Three election officials, as a board, shall prepare facsimiles of all defective ballots,~~  
635 ~~recording ballot numbers in the manner prescribed by the borough clerk in order to permit~~  
636 ~~verification of duplication if necessary at a later date. Facsimile ballots shall be placed with the~~  
637 ~~valid, nondefective ballots of the precinct to be delivered to the computer area for tally of votes.~~  
638 ~~Defective ballots of which facsimiles have been prepared and rejected ballots shall be placed in~~  
639 ~~an envelope bearing the number of the precinct at which they were cast and shall be delivered~~  
640 ~~to the borough clerk to be preserved as set by the records retention schedule resolution.~~

641 ~~5. Only those ballots punched in accordance with KIBC 7.30.120(A)(2) shall be counted.~~

642 ~~6. Computer tally of votes cast shall be directed by the borough clerk and shall be~~  
643 ~~observed by an independent review board appointed by the assembly. When the tally of votes~~  
644 ~~has been completed, the voted ballots shall be sealed into containers and delivered to the~~  
645 ~~borough clerk to be preserved as set by the records retention schedule resolution. Ballot~~  
646 ~~containers may not be opened unless the borough clerk is ordered to do so by the assembly or~~  
647 ~~by the court.~~

648 ~~7. Write-in votes will only be tabulated when the total number of write-in votes for any~~  
649 ~~office exceeds the smallest number of votes cast for any candidate whose name is printed on~~  
650 ~~the ballot.~~

651 ~~A. Before each election, the assembly shall appoint at least three qualified voters, who shall~~  
652 ~~constitute the receiving/counting team.~~

653 ~~B. The receiving/counting team shall receive all ballots, election materials, supplies, etc.~~  
654 ~~from the precinct election officials on election night.~~

655 ~~C. If time allows, the receiving/counting team shall start the tallying of the write-in votes~~  
656 ~~according to the rules for determining marks on ballot prescribed in KIBC 7.30.120. Write-in~~  
657 ~~votes will only be tabulated when the total number of write-in votes for any office exceeds the~~  
658 ~~smallest number of votes cast for any candidate whose name is printed on the ballot.~~

659 ~~D. The clerk shall issue instruction and shall provide forms and supplies for the tally of the~~  
660 ~~write-in votes.~~

661

662 **Chapter 7.40**

663 **CANVASSING AND CERTIFICATION OF ELECTION RETURNS**

664

665 **Sections:**

- 666 7.40.010 Canvass of returns.  
667 7.40.020 Certification of the election.  
668 7.40.025 Simple majority – Votes required for election to office.  
669 7.40.030 Election recounts.  
670 7.40.040 Contest of election.

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**7.40.010 Canvass of returns.**

A. Before each election, the assembly shall appoint at least three qualified voters, who shall constitute the election canvass board for that election. All members of the election canvass board, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the state in the manner prescribed by the clerk.

B. On the day following each election or as soon as is practicable, the election canvass board shall meet in public session and canvass all election returns. The canvass may be postponed for cause from day to day, but there shall be no more than three such postponements. In full view of those present, the election canvass board shall judge the applicability of absentee, questioned, and special needs, shall open and tally those accepted and shall compile the total votes cast in the election. The canvass of the ballot vote counted by precinct election boards shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's certificate of results. All obvious errors found by the election canvass board in the transfer of totals from the precinct tally sheets to the precinct certificate of returns shall be corrected in the canvass board certificate of election returns and reported to the assembly as having been corrected. If in the opinion of the canvass board a mistake has been made in precinct returns which is not clearly an error in the transfer of results from the tallies to the certificate of results, the canvass board may recommend to the governing body that a recount of that precinct's results be made for that portion of the returns in question.

C. Absentee, questioned, and special needs ballots shall be counted as follows: No ballot shall be counted if the voter has failed to properly execute the oath and affidavit, or if the voter fails to enclose his the marked ballot inside the small gray envelope provided. The clerk or a member of the election canvass board may question the qualifications of an absentee voter when read from the voter's certificate on the back of the large envelope, if he has there is a good reason to suspect that the voter is not qualified to vote, is disqualified, or has otherwise voted at the same election. The person questioning the qualifications shall specify the basis of the question in writing. The canvassing board by majority vote may refuse to accept the question and count the ballot. If the ballot is refused, the clerk shall notify the voter why the ballot was refused by the canvass board why return a copy of the statement of the question to the voter, and shall enclose all rejected ballots in a separate envelope with statements of question. The envelope shall be labeled "rejected ballots" and shall be transmitted to the assembly with the election certificates and other returns. If the ballot is not refused, the large envelope shall be opened; the smaller inner gray envelope shall be placed in a container and mixed with the other blank absentee ballot envelopes small gray envelopes, or in the case of counting questioned ballots, with other blank questioned ballot envelopes. The mixed smaller blank gray envelopes shall be drawn from the container, opened, and the ballots counted according to the rules of determining properly marked ballots.

D. Upon completion of the canvass, the canvassing board shall prepare a certificate of the results of votes cast by absentee, questioned, special needs, and ballots of votes cast by regular ballot, and shall prepare and submit a written report of said results to the assembly.

E. If election materials have not been received from a precinct prior to completion of the canvass, but election results have been transmitted in writing, by telephone, telegram, or radio, the canvassing board shall count the election results received. If the clerk has reason to believe that a missing precinct certificate, if received, would affect the result of the election, the clerk shall await the receipt of the certificate until 4 p.m. in the afternoon on the Tuesday following the election. If the certificate is not received by the clerk by 4 p.m., Tuesday, then the certificate shall not be counted nor included in the final certification of the canvassing board.

**7.40.020 Certification of the election.**

A. As soon as possible after completion of the canvass, the assembly shall meet in public session to receive the report of the canvass board. If, after considering said report, the

724 assembly determines that the election was validly held, the election shall be certified by  
725 resolution and entered upon the minutes of the meeting.

726 B. If the canvass board reports a failure to comply with provisions of state law and borough  
727 ordinance or illegal election practices occurred and that such failure is sufficient to change the  
728 outcome of the election, the assembly may exclude the votes cast in one or more precincts  
729 where such failure or illegal practices occurred from the total returns or may declare the entire  
730 election invalid and order a new election.

731 C. If the canvass board reports an apparent discrepancy in the returns of one or more  
732 precincts, the assembly may order a recount of the votes cast in said precinct(s). Such recount  
733 shall be conducted immediately by the canvassing board and the results reported to the  
734 assembly.

735 D. In case of failure to elect a candidate because of a tie vote, the assembly shall  
736 immediately cause the canvass board to recount the votes. If there is still a failure to elect  
737 because of a tie after completion of the recount, the election shall be determined fairly by lot  
738 from among the candidates tying in a meeting of the assembly and under its direction.

739 E. Upon certification of a valid election the assembly shall direct the clerk to deliver to each  
740 person elected to office a "certificate of election" signed by the clerk and authenticated by the  
741 seal of the borough.

742

743 **7.40.025 Simple majority – Votes required for election to office.**

744 All borough offices shall be filled by the candidate(s) receiving the greatest number of votes.

745

746 **7.40.030 Election recounts.**

747 A. A defeated candidate, or 10 qualified voters, who believe there has been a mistake made  
748 by an election official or by the canvassing board in counting the votes in an election, may file  
749 an application requesting a recount with the clerk no later than 5 p.m. on the Monday following  
750 the election or 24 hours after completion of the canvass board, whichever is later. The applicant  
751 shall include a deposit in cash or certified check for \$100.00. The deposit shall be applied  
752 against any costs incurred pursuant to subsection E of this section or refunded if there is no  
753 liability for recount costs. If the difference between two candidates is two percent or less, the  
754 clerk shall initiate the recount and give notice to the interested parties.

755 B. The application shall specify in substance the basis of the belief that a mistake has been  
756 made, the particular election precinct or precincts for which the recount is to be held, the  
757 particular office, proposition or question for which the recount is to be held, and that the person  
758 making the application is a candidate or that the 10 persons making the application are qualified  
759 voters. The application for a recount shall bear the notarized signature of the candidate or the  
760 10 qualified voters seeking the recount. The date on which the clerk receives an application,  
761 rather than the date of mailing or transmission, determines whether the application is filed with  
762 the time allowed under this subsection.

763 C. Upon receiving an application in substantially required form, the clerk shall appoint a  
764 recount board of four or more qualified voters to conduct the recount of ballots, as soon as  
765 possible, of those precincts cited in the application for recount. The rules governing the counting  
766 of marked ballots by the election board shall be followed. Those requesting the recount, those  
767 whose election is recounted, and the public shall be allowed to attend the recount proceeding.

768 D. Upon completion of recount, the recount board shall certify the results of the recount to  
769 the assembly. The assembly shall declare the final election results and direct the clerk to deliver  
770 to each person elected to office a "certificate of election" signed by the clerk and authenticated  
771 by the seal of the borough.

772 E. The applicant or applicants for recount shall pay all costs and expenses incurred in a  
773 recount of an election demanded by the applicant or applicants if the recount fails to reverse any  
774 result of the election or the difference between the winning and losing vote on the result  
775 requested for recount is more than two percent.

776 F. A candidate or any person who requested a recount who has reason to believe an error  
777 has been made in the recount involving any question, proposition, candidate or validity of any  
778 ballot may appeal to the superior court within 10 days after the assembly has declared the  
779 election results. If no such action is commenced within the 10-day period, the election and the  
780 election results shall be conclusive, final, and valid in all respects.

781  
782 **7.40.040 Contest of election.**

783 A defeated candidate or any 10 qualified voters who contested an election may bring an  
784 action in the superior court within 10 days after the assembly has concluded that said election  
785 was validly held and the results entered upon the minutes. Such legal action shall be upon the  
786 grounds set forth in Alaska Statutes for contesting state elections. The judge shall render a  
787 decision as required by AS 15.20.560 for state elections. If no such action is commenced within  
788 the 10-day period, the election and the election results shall be conclusive, final and valid in all  
789 respects.

790  
791 **Chapter 7.50**  
792 **ABSENTEE VOTING**

793  
794 Sections:

- 795 7.50.010 Eligibility.  
796 7.50.020 *Repealed.*  
797 7.50.030 Absentee voting – In person.  
798 7.50.040 Special needs voting.  
799 7.50.050 Absentee voting – By mail.  
800 7.50.060 Designation of absentee voting officials.

801  
802 **7.50.010 Eligibility.**

803 Any person may vote absentee.  
804

805 **7.50.020 Materials for absentee voting.**

806 *Repealed by Ord. 2002-11. [Ord. 86-22-O §2, 1986].*  
807

808 **7.50.030 Absentee voting – In person.**

809 A. Any person may apply for an absentee ballot in person from the clerk or an absentee  
810 voting official 15 days before an election, up to and including the day before the date of the  
811 election, during regular office hours, by completing an absentee in person envelope.

812 B. Upon completion of an absentee in person envelope and exhibition of proof of  
813 identification as required in KIBC 7.30.060(C), the clerk or an absentee voting official shall issue  
814 the ballot and small ~~secrecy-envelope~~ gray envelope to the applicant. The ballot must be voted  
815 at the polling place and no ballot may be removed from the polling place.

816 C. On receipt of an absentee ballot in person, the voter shall mark the ballot in secret, place  
817 the ballot in the small ~~secrecy-envelope~~ gray envelope, place the small ~~envelope~~ gray envelope  
818 in the absentee in person envelope, and sign the voter's certificate on the absentee in person  
819 envelope in the presence of the clerk or absentee voting official who shall sign as attesting  
820 official and date that signature. The clerk or absentee voting official shall then accept the ballot.

821 D. The clerk or absentee voting official may not accept a marked ballot that has been  
822 exhibited by an absentee voter with the intent to influence other voters. If the absentee voter  
823 spoils the ballot, the voter may receive up to two replacement ballots. ~~for another ballot up to a~~  
824 ~~maximum of three.~~ No voter should receive more than three ballots. Exhibited or spoiled ballots  
825 shall be destroyed. The numbers of all ballots destroyed shall be noted on the spoiled ballot  
826 accountability statement and stored in the spoiled ballots envelope.

827 E. The clerk or absentee voting official shall keep a record of the names and signatures of  
828 voters who cast absentee ballots and the dates on which the ballots were cast.



829

830 **7.50.040 Special needs voting.**

831 A. Any person with a disability who, because of that disability, is unable to go to a polling  
832 place to vote may vote a special needs ballot, or the voter may, through a representative,  
833 request a special needs ballot from the clerk or an absentee voting official 15 days before an  
834 election, up to and including the day before the date of the election during regular office hours,  
835 or from an election precinct voting official on election day.

836 B. If the request for a special needs ballot is made through a representative, the  
837 representative shall sign a special needs register provided by an election official. The register  
838 must include the following information:

- 839 1. The representative's name;  
840 2. The representative's residence and mailing address;  
841 3. The representative's social security number, voter number, or date of birth;  
842 4. The name of the voter on whose behalf the representative is requesting a ballot;  
843 5. An oath that the representative:  
844 a. Is receiving a ballot and voting materials on behalf of the voter;  
845 b. Will not vote the ballot for the voter;  
846 c. Will not coerce the voter;  
847 d. Will not divulge the vote cast by the voter; and  
848 e. Has been notified that unlawful interference with voting is punishable under AS

849 15.56.030 or AS 15.56.035.

850 C. The clerk, absentee voting official, or election precinct voting official shall keep a record  
851 of the name and signature of each representative requesting an absentee ballot and the name  
852 of the person on whose behalf the ballot is requested. The clerk, absentee voting official, or  
853 election precinct voting official shall record the date and time the absentee ballot is provided and  
854 the time the ballot is returned.

855 D. The representative shall deliver the special needs ballot and other voting materials to the  
856 voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in the  
857 ~~secrecy sleeve~~ small gray envelope, and place the ~~secrecy sleeve~~ small gray envelope in the  
858 special needs envelope provided. The voter shall provide the information on the envelope that  
859 would be required for absentee voting if the voter voted in person. The voter shall sign the  
860 voter's certificate in the presence of the representative. The representative shall sign as  
861 attesting official and date the voter's signature.

862 E. The representative shall deliver the ballot and voter certificate to the ~~clerk or absentee~~  
863 ~~voting official not later than 5 p.m. the day before the election or to an election precinct voting an~~  
864 election official not later than 8 p.m. on election day.

865 F. If a voter's disability precludes the voter from performing any of the requirements of  
866 subsection D of this section, the representative may perform those requirements, except making  
867 the voting decision, on the voter's behalf.

868 G. A candidate for office, the voter's employer, an agent of the voter's employer, or an  
869 officer or agent of the voter's union may not act as a representative for the voter.

870

871 **7.50.050 Absentee voting – By mail.**

872 A. Any person may apply for an absentee ballot by mail or by electronic transmission if  
873 received by the clerk not more than six months nor less than seven days before an election. The  
874 application shall include the address ~~to which~~ where the absentee ballot shall be ~~returned~~  
875 mailed and the applicant's full Alaska local residence address and signature.

876 B. After receipt of an application by mail, the clerk shall send the absentee ballot and other  
877 absentee voting material to the applicant by at least first class mail. The materials shall be sent  
878 as soon as they are ready for distribution. There shall be a small ~~blank~~ gray envelope and a  
879 return envelope addressed to the clerk supplied to each absentee by mail voter. The return  
880 envelope shall have printed upon it an affidavit by which the voter shall declare their

881 qualification to vote, followed by a provision for attestation by an official authorized to administer  
882 an oath or two witnesses over the age of 18.

883 C. Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public,  
884 other person qualified to administer oaths, or two persons over the age of 18 years, may  
885 proceed to mark the ballot in secret, place the ballot in the small gray envelope, place the small  
886 gray envelope in the ~~larger~~ return envelope, and sign the voter's certificate on the back of the  
887 ~~larger~~ return envelope in the presence of the witness(es) who shall sign as attesting official(s)  
888 and shall date ~~his~~ the voter's signature.

889 D. An absentee ballot must be marked and attested on or before the date of the election. If  
890 the voter returns the ballot by mail, ~~he~~ the voter shall use the most expeditious mail service and  
891 mail the ballot not later than the day of the election to the clerk. It must be postmarked on or  
892 before midnight of election day and received by the clerk no later than the Tuesday following the  
893 election by 5 p.m. ~~one week, seven calendar days, to the close of business following the~~  
894 ~~election.~~ Ballot envelopes received after that time shall not be opened but shall be marked  
895 "invalid rejected," with the date of receipt noted thereon, and shall be preserved as set by the  
896 records retention schedule resolution.

897

#### 898 **7.50.060 Designation of absentee voting officials.**

899 The clerk may appoint a registered voter, city clerks, or registrars listed with the state to act  
900 as absentee voting officials. The clerk shall supply adequate voting supplies and ballots to the  
901 ~~city clerks or registrars absentee voting official. who shall serve as absentee voting stations.~~

902

### 903 **Chapter 7.60**

## 904 **ELECTION PAMPHLET**

905

906 Sections:

907 7.60.010 Election pamphlet.

#### 908 **7.60.010 Election pamphlet.**

909 A. Before each regular and special election, the ~~borough~~ clerk shall prepare, publish, and  
910 mail an election pamphlet to every registered voter household within the borough.

911 B. Each election pamphlet shall contain:

912 1. A map of the election precincts;

913 2. Sample ballots;

914 3. An absentee ballot application;

915 4. For each ballot proposition submitted to the voters by initiative or referendum petition  
916 or by the assembly:

917 a. The full text of the proposition specifying ordinances proposed to be affected;

918 b. The ballot title and the summary of the proposition prepared by the administration  
919 or the clerk; and

920 c. A summary of statements submitted by proponents and opponents of each  
921 proposition. If only one statement is received, it will not be published.

922 5. For each bond question, a statement of the scope of each project; and

923 6. Additional information on voting procedures that the clerk considers necessary.

924 C. There is no charge for statements advocating approval or rejection of a proposition  
925 submitted to the voters for approval.

926 D. Material in the election pamphlet shall be organized to the extent possible in the same  
927 manner and form in which it will appear on the ballot. The decision of the clerk on the form of  
928 the material is final.

929 E. Not less than ~~20~~ 14 days before the election, the clerk shall mail to every registered voter  
930 household one copy of the pamphlet. Additional pamphlets may be obtained from the borough  
931 offices.

932 F. A candidate's information and statement submitted under this section may not exceed  
933 350 words. An article such as "a," "an," and "the" will be counted as a word.

934 G. The clerk will add a disclaimer in the pamphlet noting the text is presented as submitted  
935 by the candidate or proposition sponsor(s.) The clerk will add a disclaimer noting the information  
936 is the opinion of the author(s) and has been reproduced as submitted, without any changes to  
937 grammar, spelling, or punctuation.  
938

939 **Chapter 7.70**  
940 **ELECTIONS BY MAIL**

941  
942 Sections:

- 943 7.70.010 Conduct of election by mail.
- 944 7.70.020 Election date.
- 945 7.70.030 Election judge officials.
- 946 7.70.040 Notification to voters.
- 947 7.70.050 Notice of election.
- 948 7.70.060 Voter instructions.
- 949 7.70.070 Casting ballots.
- 950 7.70.080 Storing ballots.

951  
952 **7.70.010 Conduct of election by mail.**

953 A. The clerk may conduct an election by mail if it is held at a time other than when the  
954 regular borough election is held.

955 B. If the clerk conducts an election under subsection A of this section by mail, the clerk shall  
956 send a ballot for each election described in subsection A of this section to each person whose  
957 name appears on the official registration list prepared under AS 15.07.125 for that election. The  
958 ballot shall be sent to the address stated on the official registration list unless the voter has  
959 notified the clerk in writing of a different address to which the ballot should be sent. The clerk  
960 shall send ballots by first class, nonforwardable mail.

961 C. If the clerk conducts an election under subsection A of this section by mail, the clerk shall  
962 mail ballots under this section on or before the twenty-second day before the election.

963 D. The clerk shall review ballots voted under this section under procedures established for  
964 the review of absentee ballots.

965 E. There shall be a small blank gray envelope and a return envelope supplied to each by-  
966 mail voter. The return envelope shall have printed upon it an affidavit by which the voter shall  
967 declare his the voter's qualification to vote, followed by provision for attestation by two attesting  
968 witnesses, who are at least 18 years of age.

969  
970 **7.70.020 Election date.**

971 When the clerk determines that an election will be conducted by mail under KIBC 7.70.010,  
972 the notice of election calling for the election must state that the election is to be conducted by  
973 mail and that there will be no polling place open for regular in-person voting on election day. In a  
974 by-mail election, election day will be the date designated by the clerk as the deadline by which a  
975 voter's ballot must be voted, witnessed, mailed, and, if postmarked, date-stamped by the post  
976 office.

977  
978 **7.70.030 Election judge officials.**

979 In each election conducted by mail, the assembly shall appoint an election board composed  
980 of at least three judges election officials for each precinct in which the election is to be held. In  
981 the precincts of Akhiok, Cape Chiniak, Karluk, Larsen Bay, Old Harbor, Ouzinkie, and Port  
982 Lions, at least one election judge official for each precinct shall be available for at least 15 days  
983 preceding the election and on election day, at the hours and location specified by the clerk. For  
984 the precincts of Flats, Kodiak No. 1, Kodiak No. 2, ~~Kodiak No. 3~~, and Mission Road, at least one  
985 election judge official shall be available for at least 15 days preceding the election and on  
986 election day, at the hours and location specified by the clerk. The clerk shall supply adequate

987 voting supplies and ballots to the election judges officials. All election judges officials, before  
988 entering upon their duties, must subscribe to the oath required of all public officers by the  
989 Constitution of the state in the manner prescribed by the clerk. The duties of the election judge  
990 official shall be as follows:

991 A. Provide absentee voting in person and special needs voting on any date the election  
992 judges officials are available, including the day of the election, following the procedures in KIBC  
993 7.50.030 and ~~absentee voting through a personal representative on any date the election judges~~  
994 ~~officials are available, including the day of the election, following the procedures in KIBC~~  
995 7.50.040. and Voters have until the day of the election to return ballots.

996 B. Sign a voter's by-mail oath and affidavit envelope as an authorized attesting official,  
997 except that the judge election official may not attest his or her the official's own ballot.

998 C. Accept receipt of a by-mail voter's hand-delivered voted ballot, which has been sworn to,  
999 attested and sealed in the by-mail return envelope.

1000 D. Provide general voter assistance including, but not limited to, assistance to a qualified  
1001 voter who cannot read, mark the ballot, or sign his name the register, and providing replacement  
1002 ballots to voters who have improperly marked or damaged their ballots.

1003 E. Date-stamp all ballots received by the election judges officials at their stations.

1004 F. Provide for the security and safekeeping of all ballots received by the election judges  
1005 officials at their stations and present those ballots to the clerk for canvassing.

1006 G. The election judges officials for the precincts of Flats, Kodiak No. 1, Kodiak No. 2, Kodiak  
1007 No. 3 and Mission Road shall receive and date-stamp ballots delivered by the United States  
1008 Postal Service and present those ballots to the clerk for canvassing.

1009 H. Any other duties assigned by the clerk.

1010

1011 **7.70.040 Notification to voters.**

1012 In addition to the public notice required by KIBC 7.10.060, the clerk shall send to each voter  
1013 whose name appears on the official register advance notice of the election at the mailing  
1014 address stated in the voter's current registration record. The notice will be sent before ballots  
1015 are mailed, and will include:

1016 A. The date of the election.

1017 B. Disclosure that the election will be conducted by mail and that no polling place will be  
1018 available for regular in-person voting on election day.

1019 C. Designation of the offices to which candidates are to be nominated or elected and a  
1020 statement of the subject of the propositions and questions that are to appear on the ballot.

1021 D. Designation of the date on which ballots are expected to be mailed to the voters.

1022 E. Designation of the dates upon which a voter who may not have received a ballot can  
1023 ~~present himself to the~~ appear before a by-mail official and vote in person as specified in KIBC  
1024 7.70.030.

1025 F. A listing of appointed by-mail officials and their hours and locations, and the services they  
1026 can provide.

1027 G. A statement of when the ballots may be voted, and the date upon which the ballot must  
1028 be postmarked and received by the clerk or received by the by-mail voting official as specified in  
1029 KIBC 7.70.030 in order to qualify for inclusion in the election tabulation.

1030 H. Brief general instructions on how the ballots must be voted and how the oath and affidavit  
1031 envelope must be completed.

1032

1033 **7.70.050 Notice of election.**

1034 For each election conducted by mail, the public notice posted in each precinct and the  
1035 notice published in newspapers of general circulation in the area of the election jurisdiction will  
1036 include the information specified in KIBC 7.70.040.

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**7.70.060 Voter instructions.**

Specific instructions for voting a by-mail ballot and a list of the appointed by-mail officials, their hours and locations, will be mailed to each voter with the ballot.

**7.70.070 Casting ballots.**

A. Upon receipt of a mail-in ballot, the voter shall cast ~~his~~ the ballot in the manner specified in KIBC 7.50.050(C) and (D). If the ballot is cast in the clerk's office, the clerk shall retain it for delivery to the canvas board. If the ballot is cast in another location, the voter shall return it by mail to the clerk immediately for delivery to the canvas board.

B. A voter who does not receive a mail-in ballot may cast ~~his~~ the ballot in person as specified in KIBC 7.70.030.

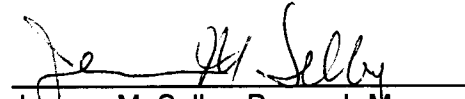
C. A voter may return the mail-in ballot to a by-mail official as provided in KIBC 7.70.030.

**7.70.080 Storing ballots.**


The clerk shall provide for the secure storage of the mail-in ballots received from the voters and by-mail officials until the date set by the clerk for the counting of the ballots.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS SEVENTH DAY OF MAY 2009**

KODIAK ISLAND BOROUGH

  
\_\_\_\_\_  
Jerome M. Selby, Borough Mayor

ATTEST:

  
\_\_\_\_\_  
Nova M. Javier, CMQ, Borough Clerk