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Drafted by: Borough Clerk
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**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2023-05**

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

WHEREAS, the Kodiak Island Borough Clerk’s Office staff determined the need to revise various sections to the Election Code to bring it into compliance with recent and existing laws, reflect current best practices, and meet the present needs of the voters; and

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 to read as follows:

**Title 7
ELECTIONS^{1, 2}**

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**

1 For statutory provisions governing municipal elections, see AS 29.26; for provisions requiring the assembly to prescribe the general rules for the conduct of municipal elections, see AS 29.26.010.

2 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.

42 **Chapter 7.10**

43 **GENERAL PROVISIONS**

44 Sections:

- 45 **7.10.010** **Incorporation of state and federal law.**
- 46 **7.10.020** **Severability.**
- 47 **7.10.025** **Propositions and questions.**
- 48 **7.10.030** **Liquor sales permitted.**
- 49 **7.10.040** **Administration of elections.**
- 50 **7.10.050** **Time of election.**
- 51 **7.10.060** **Notice of elections.**
- 52 **7.10.070** **Election expenses.**
- 53 **7.10.080** **Election supplies and equipment.**
- 54 **7.10.090** **Preservation of election ballots, papers, and materials.**
- 55 **7.10.100** **Definitions.**

56 **7.10.010** **Incorporation of state and federal law.**

57 All provisions of the Constitution of the United States, the Constitution of the [State of Alaska](#) and
58 any laws pursuant to said Constitution affecting borough elections are incorporated in this chapter
59 as if fully set out in this chapter.

60 **7.10.020** **Severability.**

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

64 **7.10.025** **Propositions and questions.**

65 An ~~ordinance~~ [ordinance assembly action](#) placing propositions and questions before the voters
66 must be adopted not later than ~~53~~ [60](#) calendar days before a regular [or special](#) election ~~or 60~~
67 ~~calendar days before a special election, or 60 calendar days before a special election.~~

68 **7.10.030** **Liquor sales permitted.**

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

70 **7.10.040 Administration of elections.**

71 A. In this title, the assembly has prescribed the general rules for the conduct of borough
72 elections. This title shall be liberally interpreted, so as to accomplish the purposes set forth.

73 B. The clerk, in accordance with the provisions of this title, shall administer all borough elections.

74 C. At the advice of the Director of Census, ~~the~~ clerk ensures that the borough complies with
75 the Section 203 of the U.S. Voting Rights Act to make sure that minority-speaking residents are
76 able to exercise their right to vote. ~~Preclearance shall be obtained from the Department of Justice~~
77 ~~prior to holding a special election, as required by the Federal Voting Rights Act.~~

78 **7.10.050 Time of election.**

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

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

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

84 D. *Initiative and Referendum Elections.* The provisions in AS 29.26.170 shall apply for initiative
85 elections and AS 29.26.180 for referendum elections.

86 **7.10.060 Notice of elections.**

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

93 B. Each notice of election shall include:

- 94 1. The type of election, regular or special;
- 95 2. The date of the election;
- 96 3. The hours the polls will be open;
- 97 4. The offices to which candidates are to be elected;
- 98 5. The subjects of propositions and questions to be voted upon;

- 99 6. Voter qualifications and instructions for registration;
- 100 7. Instruction for absentee voting, [early voting, and voting by-mail](#); and
- 101 8. Location of precinct polling places.

102 ~~C. At least one day before the election, the clerk shall publish in a newspaper of general~~ 100
103 ~~circulation and post in at least three public places in the borough sample ballots with instructions~~
104 ~~101 to voters. Sample ballots shall be substantially similar to the official ballots and shall be~~
105 ~~marked 102 "sample ballot" in place of the words "official ballot."~~

106 ~~C. At least one day before the election, the clerk shall publish in a newspaper of general~~
107 ~~circulation and post in at least three public places in the borough sample ballots with instructions~~
108 ~~to voters. Sample ballots shall be substantially similar to the official ballots and shall be marked~~
109 ~~"sample ballot" in place of the words "official ballot."~~

110 CD. Before a general obligation bond issue election, the clerk shall publish notice of the
111 borough's total existing bonded indebtedness at least once a week for three consecutive weeks.
112 The first notice shall be published at least 20 calendar days before the date of the election. The
113 notice shall be published in a newspaper of general circulation in the borough or, if there is no
114 newspaper of general circulation distributed in the borough, posting in three public places for at
115 least five days. The notice shall state:

- 116 1. The current total general obligation bonded indebtedness, including authorized but
117 unsold bonds of the borough;
- 118 2. The cost of the debt service on the current indebtedness; and
- 119 3. The total assessed valuation of property in the borough.

120 **7.10.070 Election expenses.**

121 A. The borough shall pay all necessary election expenses [relating to the conduct of borough](#)
122 [elections](#) ~~including those of securing polling places and providing ballot boxes, ballots, voting~~ 116
123 ~~booths or screens, national flags, and other supplies and any wages to election officials unless~~
124 ~~117 otherwise provided by this code., including those of securing polling places and providing~~
125 ~~ballot boxes, ballots, voting booths or screens, national flags, and other supplies and any wages~~
126 ~~to election officials unless otherwise provided by this code.~~

127 B. The borough shall pay each election [official](#) ~~board member and canvass board~~ ~~board member~~
128 ~~and canvass board~~ the hourly rate provided for similar election officials for state elections for the
129 time spent at their election duties ~~including the receiving of instructions, including the receiving of~~
130 ~~instructions.~~

131 C. Where there is no comparable rate for state election officials for state elections, early
132 and absentee voting officials shall be compensated at a rate determined by the clerk to
133 be commensurate with the duties as compared to other election officials.

134 **7.10.080 Election supplies and equipment.**

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

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

145 **7.10.090 Preservation of election ~~ballots, papers, and ballots, papers, and~~ materials.**

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

152 **7.10.100 Definitions.**

153 In this chapter, unless the context requires otherwise:

154 "Clerk" means the borough clerk or any properly authorized assistant or designee;

155 "Days" includes weekends and holidays;

156 "Election" includes any regular or special election of the borough;

157 "Election officials" means ~~the clerk or the clerk's designee,~~ election judges, election clerks,
158 receiving/counting team, early and absentee voting officials, and canvassing boards;

159 "Election supervisor" means the clerk;

160 "Oath" includes affirmation;
161 "Precinct" means the territory established by the state;
162 "Proposition" includes question;
163 "Publication" means a newspaper of general circulation or posting in public places;
164 "Qualified voter" means any voter who:
165 1. Is a citizen of the United States;
166 2. Is 18 years of age or older;
167 3. Has been a resident of the State of Alaska and of the borough for at least 30 days
168 just before the election;
169 4. Has registered at least 30 days before the election as required by AS 15.07 and is not
170 registered to vote in another jurisdiction; and
171 5. Is not disqualified under Article V of the State Constitution;
172 "Regular election" means a general election to fill assembly offices as required by KIBC
173 7.10.050(B);
174 "Special election" means any election held at a time other than when a regular election is held;
175 "Swear" includes affirm; and
176 "Voter" means a person who presents oneself for the purpose of voting, either in person or by
177 absentee ballot.

178 **Chapter 7.20**
179 **QUALIFICATIONS OF VOTERS AND CANDIDATES**

180 Sections:
181 **7.20.010** **Qualifications of voters.**
182 **7.20.015** **Rules for determining residence of voter.**
183 **7.20.020** **Candidate qualifications.**
184 **7.20.030** **Declaration of candidacy.**
185 **7.20.035** **Public official financial disclosure statements.**
186 **7.20.040** **Corrections, amendments, and withdrawal of declaration of candidacy.**

187 **7.20.010 Qualifications of voters.**

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

- 189 1. Is a citizen of the United States;
- 190 2. Is 18 years of age or older;
- 191 3. Has been a resident of the borough and the precinct in which the person seeks to vote
192 for at least 30 days preceding the election;
- 193 4. Is registered to vote in state elections at a residence address within a municipality at
194 least 30 days before the election at which the person seeks to vote;
- 195 5. Has registered before the election as required under AS 15.07 and is not registered to
196 vote in another jurisdiction; and
- 197 6. Is not disqualified under Article V of the State Constitution.

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

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

203 **7.20.015 Rules for determining residence of voter.**

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

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

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

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

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

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

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

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

225 **7.20.020 Candidate qualifications.**

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

228 B. A person may not serve simultaneously as mayor and as a member of the assembly, as
229 mayor and a member of the school board, or as a member of the assembly and member of the
230 school board.

231 C. No elected official of the borough, except members of service areas boards, may hold any
232 other compensated borough office or borough employment, or elected position in the state or
233 federal government, while in office.

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

235 E. Candidates for service area boards must be qualified voters of the borough and residents of
236 the service area for at least 30 days immediately preceding filing for office.

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

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

242 **7.20.030 Declaration of candidacy.**

243 A. At least 75 days before each regular election, the clerk shall publish ~~in one or more~~
244 ~~newspapers of general circulation in the borough~~ a notice of offices to be filled at the election and
245 the procedure for filing a declaration of candidacy.

246 B. Packets containing declarations of candidacy shall be available from the clerk's office no later
247 than the day the filing period opens. Declarations of candidacy shall be submitted in original form

248 and may be submitted electronically; provided, that the original is received by the clerk before the
249 close of the filing period.

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

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

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

255 3. The office for which the candidate declares;

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

257 5. The date and notarized statement of the candidate. If a notary public is not available,
258 a postmaster may attest the statement instead of a notary;

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

261 7. Any other information that the clerk reasonably requires to determine whether the
262 candidate is qualified for the office as provided by law; and

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

264 D. Filing for elective offices shall be made by filing a declaration of candidacy with the clerk from
265 8 am to 4 pm during weekdays from August 1st through August 15th, ~~4:30 p.m.~~ Should August
266 15th fall on a Saturday or Sunday, candidates shall have until ~~4:30 p.m.~~ 3 p.m. on the first Monday
267 following to file their declaration.

268 E. Declarations of candidacy may be filed with the clerk by electronic transmission and the
269 original signed and notarized statement must be delivered to the clerk by the close of the filing
270 period. If the original is not received by the clerk at the close of the filing period, the candidate's
271 name shall not appear on the ballot.

272 F. Within four business days after filing a declaration of candidacy, the clerk shall notify the
273 candidate as to whether it is in proper form. If not, the clerk shall immediately return the declaration
274 of candidacy to the candidate with a statement certifying how the nominating petition is deficient.

275 **7.20.035 Public official financial disclosure statements.**

276 Candidates for elective borough office and declared write-in candidates shall file an Alaska Public
277 Offices Commission (APOC) official financial disclosure statement with the clerk as required by
278 the provisions of AS 39.50 at the time of filing a declaration of candidacy. The name of the

279 candidate shall be placed on the ballot by the clerk only after the candidate has complied with this
280 requirement. This subsection does not apply to candidates for service area boards.

281 **7.20.040 Corrections, amendments, and withdrawal of declaration of candidacy.**

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

286 B. If a person chooses to run for a different seat, a declaration of candidacy for that seat shall
287 be filed with the clerk's office. A declaration of candidacy for a particular seat may not be
288 substituted for another office or seat.

289 **Chapter 7.30**
290 **PROCEDURES FOR CONDUCT OF ELECTIONS**

291 Sections:

- 292 **7.30.010 Election officials.**
- 293 **7.30.020 Precincts and polling places.**
- 294 **7.30.025 Voting By-mail precincts.**
- 295 **7.30.030 Ballots – Form.**
- 296 **7.30.035 Ballots – use of alternate ballots.**
- 297 **7.30.040 Ballots – Distribution.**
- 298 **7.30.050 Voting devices and machines.**
- 299 **7.30.060 Voting procedures at the polls.**
- 300 **7.30.070 Questioned votes.**
- 301 **7.30.080 Disposition of questioned votes.**
- 302 **7.30.090 Unused ballots.**
- 303 **7.30.100 Official closing of polls.**
- 304 **7.30.110 General procedure for ballot count.**
- 305 **7.30.120 Rules for counting ballots in hand count precincts.**
- 306 **7.30.125 Write-in votes.**
- 307 **7.30.130 Receiving team.**

308 **7.30.010 Election officials.**

309 A. The assembly shall appoint at least three election officials in each precinct to constitute the
310 election board of that precinct. The clerk is the election supervisor. One election official shall be
311 designated as chair and shall be ordinarily responsible for administering the election in that
312 precinct. The clerk may appoint additional election officials at any polling place where they are

313 needed to conduct an orderly election and to relieve other election officials of undue hardship.
314 The clerk may appoint persons aged 16 or older as additional election officials if they meet the
315 requirements to serve in the Youth Vote Ambassador Program under AS 15.10.108. Any person
316 so appointed serves under the supervision of the precinct board chair.

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

320 C. Except for duly qualified persons 16 to 18 years old appointed under subsection A of this
321 section, each election official serving at a precinct polling place must be a qualified voter and, if
322 possible, a resident within the precinct for which appointed.

323 D. All election officials, before entering upon their duties, must subscribe to the oath required of
324 all public officers by the Constitution of the [State of Alaska](#) in the manner prescribed by the clerk.

325 E. Candidates shall not serve as election officials. Certain familial relationships may not exist
326 between a candidate and a precinct election official, member of a ballot receiving/counting team
327 or canvass board in regular or special elections. Those familial relationships are:

- 328 1. Mother, mother-in-law, stepmother;
- 329 2. Father, father-in-law, stepfather;
- 330 3. Sister, sister-in-law, stepsister;
- 331 4. Brother, brother-in-law, stepbrother;
- 332 5. Spouse; or
- 333 6. Person sharing the same living quarters.

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

336 **7.30.020 Precincts and polling places.**

337 A. The precincts established by the [State of Alaska](#) and set forth in the Alaska Administrative
338 Code shall be the precincts for all elections. The clerk shall secure a polling place for each [in-](#)
339 [person voting](#) precinct for each election. Whenever practicable, the polling place shall be located
340 within the precinct.

341 B. No later than ~~2~~30 days before each regular and special election, the clerk shall publish ~~in one~~
342 ~~or more newspapers of general circulation in the borough~~ the locations of the precinct polling
343 places. ~~Such publication shall be repeated at least once no later than the day prior to the election.~~

344 ~~C. If a declaration of a disaster or emergency has been issued by the President of the United~~
345 ~~States, the Governor of Alaska, or the emergency services council (KIBC 2.110.030) which~~
346 ~~includes areas within the Kodiak Island Borough, precincts where the voter turnout was less than~~
347 ~~100 voters at the last regular election may be designated as "ballot by-mail" precincts by resolution~~
348 ~~of the assembly. In those precincts, election officials need not be appointed. In "ballot by-mail"~~
349 ~~precincts the procedures outlined in Chapter 7.70 KIBC shall be followed as modified by the~~
350 ~~resolution designating the precinct a "ballot by-mail" precinct as needed to accommodate the~~
351 ~~restrictions created by the declared disaster or emergency. Voters in a "ballot by-mail" precinct~~
352 ~~wishing to vote early or absentee in person may do so at any designated early voting or absentee~~
353 ~~voting site. Any precinct designated as a "ballot by-mail" precinct in accordance with the~~
354 ~~provisions of this subsection will remain a "ballot by-mail" precinct until such time as declared~~
355 ~~disaster or emergency status has been lifted.~~

356
357 **7.30.025 Voting by-mail precincts.**

358 A. Precincts where the voter turnout was less than 75 voters at the last regular election may be
359 designated as absentee by-mail precincts by resolution of the assembly. In those precincts, no
360 precinct election board shall be appointed.

361 B. The borough clerk shall send a ballot to each person whose name appears on the official
362 voter registration list prepared under AS 15.07.125 for that election. The ballot shall be
363 accompanied by instructions on how the ballot must be voted, the oath and affidavit envelope
364 completed, and ballot returned in order to be counted. The ballot shall be sent to the address
365 stated on the official registration list unless the voter has notified the borough clerk in writing of a
366 different address to which the ballot should be sent or the address on the official registration list
367 has been identified as being an undeliverable address. The borough clerk shall send ballots by
368 first-class, nonforwardable mail on or before the fifteenth day before the election.

369 C. Upon receipt of a by-mail ballot, the voter shall cast the ballot in the manner specified in KIBC
370 7.50.050(C) and (D). The voted by-mail ballot must be either delivered to an election official before
371 the time set for in person absentee votes to be cast, or postmarked on or before midnight of
372 election day and received by the clerk no later than the Tuesday following the election by 5 p.m.
373 Ballot envelopes received after that time shall not be opened but shall be marked "rejected," with
374 the date of receipt noted thereon, and shall be preserved as set by the records retention schedule.
375 The canvass board shall review voted by-mail ballots under this section using the established
376 procedures for the review of absentee ballots.

377 D. A voter who does not receive a by-mail ballot or any voter wishing to vote absentee in-person
378 or early vote in person may do so at any designated absentee or early voting site.

379 E. The borough clerk may appoint election officials in Akhiok, Chiniak, Karluk, Larsen Bay, Old
380 Harbor, Ouzinkie, and Port Lions who are willing and able to serve as absentee voting officials.
381 Absentee voting officials serving under this section shall be compensated at a rate determined by

382 the clerk to be commensurate with the duties as compared to other election officials. The duties
383 of the absentee voting officials shall be as follows:

- 384 1. Provide absentee voting in person and personal representative voting on any date
385 including the day of the election.
- 386 2. Sign a voter's by-mail oath and affidavit envelope as an authorized attesting official,
387 except that the absentee voting official may not attest his or her own ballot.
- 388 3. Accept receipt of a by-mail voter's hand-delivered ballot, which has been sworn to,
389 attested and sealed in the by-mail return envelope.
- 390 4. Provide general voter assistance, including, but not limited to, assistance to a qualified
391 voter who cannot read, mark the ballot, or sign his name, and providing replacement
392 ballots to voters who have improperly marked or damaged their ballots.
- 393 5. Receive ballots, provide for the security and safekeeping of all ballots received and return
394 those ballots to the borough clerk for canvassing. The borough clerk will specify the
395 means of returning the voted ballots and all other election supplies to the borough.

396 F. Any precinct designated as a voting by mail precinct in accordance with the provisions of
397 subsection A of this section will remain a voting by mail precinct until such time as the voting by
398 mail status is removed by resolution of the assembly.

399 **7.30.030 Ballots – Form.**

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

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

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

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

411 D. All candidates to the same office shall be shown on one ballot. The title of each office to be
412 filled shall be followed by the printed names of all candidates for that office, and provisions shall
413 be made for write-ins equal in number to the positions to be filled. The names of candidates shall
414 be printed as they appear upon the declaration of candidacy except that any honorary or assumed
415 title or prefix shall be omitted. The words "Vote for not more than _____," with the appropriate
416 number replacing the blank, shall be placed before the lists of candidates for each office.
417 Candidate names shall be listed in the order that candidacy declarations are filed. ~~Names of~~
418 ~~candidates shall appear on the ballot with the position of names of the candidates set out in the~~
419 ~~same order in each section on each ballot used as prescribed in Alaska Statutes for state~~

420 ~~elections. However, the order of placement of the names of the candidates for each office shall~~
421 ~~be randomly determined by the clerk for ballots printed for use.~~

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

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

428 G. The clerk shall have printed and available at each polling place, on election day and in the
429 clerk's office preceding the election, sample ballots for each election.

430
431 **7.30.35 Ballots – use of alternate ballots.**

432 A. Under no circumstance shall any voting location close due to ballot shortage. Election
433 officials shall monitor the ballot supply throughout election day and apprise the clerk of any
434 projected shortage in the number of available ballots. Upon being informed by an election official
435 that there is a projected shortage of ballots at a voting location, the clerk shall promptly supply
436 the voting location with additional printed ballots. If printed ballots are not available, the clerk shall
437 promptly supply alternate ballots which shall be processed as provided in subsections B through
438 E of this section. Alternate ballots shall not be used if printed ballots are available at the polling
439 place. Alternate ballots shall be provided in stacks of 25 ballots and numbered in series to assure
440 simplicity and secrecy and to prevent fraud.

441
442 B. Voters whose names appear on the precinct register shall sign the precinct register and
443 be given an alternate ballot. The election official shall mark the precinct register in a manner
444 designated by the clerk to show that the voter received an alternate ballot. The voter shall vote
445 the alternate ballot and shall place the ballot in the side compartment of the ballot box or in a
446 designated box or envelope provided by the clerk.

447
448 C. If a voter is not on the precinct register or the voter's qualification to vote is questioned as
449 provided in Section 7.30.070, the voter shall vote a questioned alternate ballot. The election
450 official shall mark the questioned voter register in a manner designated by the clerk, to show the
451 voter received an alternate ballot. The voter shall be given an alternate ballot and shall vote the
452 ballot as provided in Section 7.30.070.

453
454 D. A personal representative shall be given an alternate ballot and shall complete the process
455 for personal representative voting with the voter as provided in Section 7.50.040.
456

457 E. Alternate ballots shall be accounted for following the general procedure for ballot count in
458 KIBC 7.30.110. Alternate ballots shall be counted manually by the election board in the hand
459 count precincts following KIBC 7.30.120 or by the canvass board for precincts where voting
460 machines are used.
461

462 **7.30.040 Ballots – Distribution.**

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

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

470 **7.30.050 Voting devices and machines.**

471 Voting devices and machines will be used for all regular and special elections unless determined
472 not to be practical by the clerk. All necessary supplies for the assistance of voters, such as sample
473 ballots, instructions, booths, etc., shall be provided.

474 **7.30.060 Voting procedures at the polls.**

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

479 B. The election official shall keep a precinct register in which each voter, before receiving a
480 ballot, shall sign the voter's name. By signing the register, the voter declares that the voter is
481 qualified to vote. If a voter signs the precinct register and then leaves the polling place without
482 voting or votes a questioned ballot, the election official shall cross the voter's name off the precinct
483 register and make a note next to the name that the voter did not vote. If a voter's polling place is
484 in question, a voter shall be allowed to vote a questioned ballot.

485 C. Before being allowed to vote, each voter shall exhibit to an election official one form of
486 identification listed on the "Have ID" poster from the state. An election official may waive the
487 identification requirement if the official knows the identity of the voter, except when "Must Show
488 ID" is printed in the signature block above the voter's name. The ID requirement for this voter may

489 not be waived. A voter who cannot exhibit a required form of identification shall be allowed to vote
490 a questioned ballot.

491 D. When the voter is qualified to vote, the election official shall give the voter an official ballot.
492 The voter shall retire to a booth or private place to mark the ballot. The ballot must be voted at
493 the polling place and no ballot may be removed from the polling place until the election officials
494 have completed their post-election duties.

495 E. A qualified voter who cannot read and mark the ballot, or sign the register, may request an
496 election official, a person, or not more than two persons, chosen by the voter, to provide
497 assistance. Upon the voter's request, the election official shall provide the assistance. If any other
498 person is requested, that person shall state upon oath before the election official that the person
499 shall not divulge the vote cast by the voter. Intoxication shall not be regarded as a physical
500 disability, and no intoxicated person should receive assistance in marking that voter's ballot.

501 F. If a voter improperly marks or otherwise damages a ballot, the voter shall return it to the
502 election officials, concealing the manner in which it is marked from view, and shall request a new
503 ballot. The election officials shall destroy the spoiled ballot after having recorded it in the spoiled
504 ballot accountability statement and shall issue a new ballot to the voter. The destroyed ballot
505 should be kept and stored in the spoiled ballots envelope. A voter may only be issued up to two
506 replacement ballots. No voter should receive more than three ballots.

507 **7.30.070 Questioned votes.**

508 A. Every election official shall question, and any qualified voter may question a person
509 attempting to vote if the questioner has good reason to suspect that the questioned person is not
510 qualified to vote under KIBC 7.20.010. All questions regarding a person's qualifications to vote
511 shall be made in writing setting out the reason the person has been questioned. A questioned
512 person, before voting, shall fill out the questioned ballot oath and affidavit envelope and subscribe
513 to an oath and sign the affidavit on the form. After the questioned person has taken the oath and
514 signed the affidavit, the person may vote. If the questioned person refuses to take the oath or sign
515 the affidavit, the person may not vote.

516 B. If a voter's polling place is in question, the voter shall be allowed to vote by filling out a
517 questioned ballot oath and affidavit envelope.

518 **7.30.080 Disposition of questioned votes.**

519 A voter who casts a questioned ballot shall vote the ballot in the same manner as prescribed for
520 other voters. After the election official removes the numbered stub from the ballot, the voter shall
521 insert the ballot into a small gray envelope, seal it, and put the gray envelope in the questioned
522 ballot oath and affidavit envelope. These questioned ballot oath and affidavit envelopes shall be
523 sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be

524 counted (unopened) and compared to the voting list, segregated, and delivered to the clerk for
525 delivery to the canvass board. The election canvass board shall review and judge the applicability
526 of all questioned ballots.

527 **7.30.090 Unused ballots.**

528 The numbers of all ballots not issued shall be recorded and returned to the clerk. The numbers of
529 ballots spoiled by voters and replaced by election officials shall also be recorded. The record of
530 ballots not issued and ballots spoiled and replaced shall be preserved as set by the records
531 retention schedule resolution.

532 **7.30.100 Official closing of polls.**

533 Fifteen minutes before closing the polls, the time remaining before such closure shall be
534 ~~proclaimed~~announced by an election official. When the polls are closed for the purposes of voting,
535 that fact shall likewise be ~~proclaimed-announced~~ and thereafter no ballot shall be issued except
536 to those voters who were present and waiting their turn to go through the voting procedure at the
537 time prescribed for closing the polls. Failure to make the announcement at 15 minutes before
538 closing time shall not in any way invalidate the election or extend the time for closing of the polls.

539 **7.30.110 General procedure for ballot count.**

540 A. The clerk shall prescribe the manner in which the precinct ballot count is accomplished ~~so as~~
541 to ensure accuracy in the count and to expedite the process. The election officials shall account
542 for all ballots, including alternate ballots, by completing a ballot accountability statement
543 containing (1) the number of official ballots received; (2) the number of official ballots voted; (3)
544 the number of official ballots spoiled; (4) the number of official ballots unused and either destroyed
545 or returned for destruction to the clerk. The election officials shall count the number of questioned
546 ballots and personal representative ballots and compare ~~the~~at numbers to the number of
547 ~~questioned~~-voters in the registers. Discrepancies shall be noted and explained to the best of the
548 election official's ability in writing for delivery to the borough clerk. ~~The election board, in hand-~~
549 ~~count precincts, shall count the ballots in a manner that allows watchers to see the ballots when~~
550 ~~opened and read.~~

551 B. The election board shall sign the final results tape. No less than two members of the election
552 board shall transport the election equipment and materials to the election supervisor.

553 C. Precinct Bballots may not be counted before 8 p.m., local time, on the day of the election.

554 **7.30.120 Rules for counting ballots in hand count precincts.**

555 A. The election board shall perform a hand count for ballots; in precincts where ~~the optical scan~~
556 ~~and other computer read or~~ electronic ballot counting equipment are not used; in precincts where
557 alternate ballots have been cast and must be hand counted; or in elections where write-in votes
558 shall be tallied in accordance with KIBC 7.30.110 and 7.30.125. The election board, in hand count
559 precincts, shall count the ballots in a manner that allows watchers to see the ballots when opened
560 and read.

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

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

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

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

571 5. The mark specified in subsection (A)(1) of this section shall be counted only if it is
572 substantially inside the oval provided; or touching the oval ~~so as~~ to indicate clearly that
573 the voter intended the particular oval to be designated.

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

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

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

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

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

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

586 **7.30.125 Write-in votes.**

587 A. Write-in votes shall not be tallied except:

588 1. If ~~a~~the person running as a write-in candidate has, at least before ~~53~~ p.m. ~~seven of~~
589 ~~the days~~ before the election, filed a declaration of write-in candidacy on a form provided
590 by the clerk stating that ~~he or she is~~ they are willing to assume the office if elected and
591 ~~has~~es also filed a completed public officials financial disclosure statement with the
592 borough clerk if applicable; and

593 2. If the total number of write-in votes for an office exceeds the smallest number of votes
594 cast for a candidate for that office whose name is printed on the ballot.

595 B. In order to vote for a write-in candidate, the voter must, in the space provided, write in the
596 candidate's name as the candidate's name appears on the candidate's declaration of write-in
597 candidacy filed with the borough clerk. In addition, the voter must mark the ~~square or~~ oval opposite
598 the candidate's name in accordance with KIBC 7.30.120(A)(1). Stickers shall not be used.

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

602 D. If votes for write-in candidates are counted at the precinct level, election workers shall set
603 aside any ballots which contain any abbreviation, misspelling, or other minor variation in the form
604 of the name of a write-in candidate and forward those ballots to the canvass board for review and
605 determination. The canvass board shall review such ballots and shall disregard any misspelling,
606 or other minor variation in the form of the name of a write-in candidate, if the intention of the voter
607 can be ascertained.

608 E. In order to be elected, a write-in candidate must receive the number of votes required by this
609 chapter.

610 **7.30.130 Receiving team.**

611 A. Before each election, the assembly shall appoint at least three qualified voters, who shall
612 constitute the receiving team.

613 B. The receiving team shall receive all ballots, election materials, supplies, etc., from the precinct
614 election officials on election night.

615 **Chapter 7.40**

616 **CANVASSING AND CERTIFICATION OF ELECTION RETURNS**

617 Sections:

- 618 **7.40.010** **Canvass of returns.**
- 619 **7.40.020** **Certification of the election.**
- 620 **7.40.025** **Simple majority – Votes required for election to office.**
- 621 **7.40.030** **Election recounts.**
- 622 **7.40.040** **Contest of election.**

623 **7.40.010** **Canvass of returns.**

624 A. Before each election, the assembly shall appoint at least three qualified voters, who shall
625 constitute the election canvass board for that election. All members of the election canvass board,
626 before entering upon their duties, must subscribe to the oath required of all public officers by the
627 Constitution of the [State of Alaska](#) in the manner prescribed by the clerk.

628 B. On the day following each election or as soon as is practicable, the election canvass board
629 shall meet in public session and canvass all election returns. ~~The canvass may be postponed for~~
630 ~~cause from day to day, but there shall be no more than three such postponements.~~ In full view of
631 those present, the election canvass board shall judge the applicability of absentee, [early voting,](#)
632 [by-mail,](#) questioned, and personal representatives, shall open and tally those accepted and shall
633 compile the total votes cast in the election. The canvass of the ballot vote counted by precinct
634 election boards shall be accomplished by reviewing the tallies of the recorded vote to check for
635 mathematical error by comparing totals with the precinct’s certificate of results. All obvious errors
636 found by the election canvass board in the transfer of totals from the precinct tally sheets to the
637 precinct certificate of returns shall be corrected in the canvass board certificate of election returns
638 and reported to the assembly as having been corrected. If in the opinion of the canvass board a
639 mistake has been made in precinct returns which is not clearly an error in the transfer of results
640 from the tallies to the certificate of results, the canvass board may recommend to the governing
641 body that a recount of that precinct’s results be made for that portion of the returns in question.

642 C. Absentee, [by-mail,](#) questioned, and personal representatives ballots shall be counted as
643 follows: No ballot shall be counted if the voter has failed to properly execute the oath and affidavit,
644 or if the voter fails to enclose the marked ballot inside the small gray envelope provided. The clerk
645 or a member of the election canvass board may question the qualifications of an absentee voter
646 when read from the voter’s certificate on the back of the large envelope, if there is a good reason
647 to suspect that the voter is not qualified to vote, is disqualified, or has otherwise voted at the same
648 election. The person questioning the qualifications shall specify the basis of the question in
649 writing. The canvassing board by majority vote may refuse to count the ballot. If the ballot is
650 refused, the clerk shall notify the voter why the ballot was refused by the canvass board. The
651 envelope shall be labeled “rejected ballots.” If the ballot is not refused, the large envelope shall
652 be opened; the small gray envelope shall be placed in a container and mixed with the other
653 absentee ballot small gray envelopes. The mixed small gray envelopes shall be drawn from the
654 container, opened, and the ballots counted according to the rules of determining properly marked
655 ballots.

656 D. Upon completion of the canvass, the canvassing board shall prepare a certificate of the results
657 of votes cast by absentee, [early vote, by-mail voting](#), questioned, personal representatives, and
658 ballots of votes cast by regular ballot, and shall prepare and submit a written report of said results
659 to the assembly.

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

667 **7.40.020 Certification of the election.**

668 A. As soon as possible after completion of the canvass, the assembly shall meet in public
669 session to receive the report of the canvass board. If, after considering said report, the assembly
670 determines that the election was validly held, the election shall be certified by resolution and
671 entered upon the minutes of the meeting.

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

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

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

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

687 **7.40.025 Simple majority – Votes required for election to office.**

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

689 **7.40.030 Election recounts.**

690 A. A defeated candidate, or 10 qualified voters, who believe there has been a mistake made by
691 an election official or by the canvassing board in counting the votes in an election, may file an
692 application requesting a recount with the clerk no later than 5 p.m. on the day scheduled for the
693 certification of the election results or by delivering the application for recount to the assembly at
694 its meeting held to certify the election returns~~Monday following the election or 24 hours after~~
695 ~~completion of the canvass board, whichever is later.~~ The applicant shall include a deposit in cash
696 or certified check for \$~~10~~250.00. The deposit shall be applied against any costs incurred pursuant
697 to subsection E of this section or refunded if there is no liability for recount costs. If the difference
698 between two candidates is two percent or less, the clerk shall initiate the recount and give notice
699 to the interested parties.

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

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

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

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

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

726 **7.40.040 Contest of election.**

727 An election contest may be brought following the process for a contest of a state election. A
728 defeated candidate or any 10 qualified voters who contested an election may bring an action in
729 the superior court within 10 days after the assembly has concluded that said election was validly
730 held and certified the results of the entered upon the melectioninutes. The only grounds for an
731 election contest shall be the same as those set forth for in the Alaska Statutes for contesting state
732 elections. The judge shall hear and render a decision on an election contest in the same manner
733 as provided in the Alaska Statutes for state election contests. Such legal action shall be upon the
734 grounds set forth in Alaska Statutes for contesting state elections. The judge shall render a
735 decision as required by AS 15.20.560 for state elections. If no such action is commenced within
736 the 10-day period, the election and the election results shall be conclusive, final and valid in all
737 respects.

738 **Chapter 7.50**
739 **ABSENTEE VOTING**

740 Sections:

- 741 **7.50.010 Eligibility.**
- 742 **7.50.020 Repealed.**
- 743 **7.50.025 Early voting – In person.**
- 744 **7.50.030 Absentee voting – In person.**
- 745 **7.50.040 Personal representatives voting.**
- 746 **7.50.050 Absentee voting – By mail.**
- 747 **7.50.060 Designation of absentee voting officials.**

748 **7.50.010 Eligibility.**

749 Any person may vote absentee.

750 **7.50.020 Materials for absentee voting.**

751 *Repealed by Ord. 02-11.*

752 **7.50.025 Early voting – In person.**

753 ~~A.—A voter may cast an early vote in person in the same manner as on the day of an election.~~

754 ~~B.—Early voting before an election official shall not begin prior to 21 days before a regular or~~
755 ~~special election.~~

756 ~~1. The assembly may, by resolution, authorize early voting up to 75 days prior to a regular or~~
757 ~~special election.~~

758 ~~2. Prior to the election, the clerk shall mark the precinct registers of those voters who voted early~~
759 ~~or give to the election board in each precinct a list of voters from the precinct who have voted~~
760 ~~early.~~

761 A. Early voting shall be made available in the Borough building and it shall not begin prior to
762 15 days before a regular or special election. The period for early voting may be extended to up to
763 21 days before the date of the election by borough assembly resolution.

764 B. The clerk shall determine the hours designated for early voting and the process for early
765 voting to ensure the integrity of the election.

766 B. The early voter shall appear before an election official and provide their name, residence
767 address, and voter identifier such as a voter number, social security number, or date of birth.

768 C. The election official shall verify the voter's proof of identification as required in KIBC
769 7.30.060(C). The election official shall verify that the voter's residence address appears on the
770 official registration list and is qualified to vote per this title and shall require the voter to sign the
771 precinct register. The signing of the register shall constitute a declaration that the voter is qualified
772 to vote.

773 D. When the voter has qualified to vote, the election official shall give the voter an official
774 ballot. The voter shall proceed to mark the ballot in secret, place the voted ballot in the secrecy
775 sleeve, and deposit the ballot in the ballot box in the presence of the clerk or election official.

776 E. The tabulation of early voting ballots shall not begin before 8 p.m. on election day. The
777 ballots and voting machine shall be delivered to the receiving team who will tabulate the results,
778 sign the tapes, and return the tapes and memory card to the clerk. The results tapes shall serve
779 as the early voting precinct certificate of election.

780 F. Prior to the election, the clerk shall mark the precinct registers of those voters who voted
781 early or give to the election board in each precinct a list of voters from the precinct who have
782 voted early.

783

784 **7.50.030 Absentee voting – In person.**

785 A. For locations where early voting is not available, the borough clerk may provide absentee
786 voting and appoint election officials who are willing and able to serve as absentee voting officials.

787 ~~Aa~~Any person may apply for an absentee ballot in person~~from the clerk or an absentee voting~~
788 ~~official. Absentee voting will be made available~~ 15 days before an election, up to and may
789 include~~ing~~ the day ~~before the date~~ of the election, during ~~regular office hours~~ the hours designated

790 [for absentee voting](#), by completing an absentee in person envelope. [The period for absentee](#)
791 [voting may be extended to up to 21 days before the date of the election by borough assembly](#)
792 [resolution.](#)

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

797 C. On receipt of an absentee ballot in person, the voter shall mark the ballot in secret, place the
798 ballot in the small gray envelope, place the small gray envelope in the absentee in person
799 envelope, and sign the voter's certificate on the absentee in person envelope in the presence of
800 the clerk or absentee voting official who shall sign as attesting official and date that signature.
801 The clerk or absentee voting official shall then accept the ballot.

802 D. The clerk or absentee voting official may not accept a marked ballot that has been exhibited
803 by an absentee voter with the intent to influence other voters. If the absentee voter spoils the
804 ballot, the voter may receive up to two replacement ballots. No voter should receive more than
805 three ballots. Exhibited or spoiled ballots shall be destroyed. The numbers of all ballots destroyed
806 shall be noted on the spoiled ballot accountability statement and stored in the spoiled ballots
807 envelope.

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

810 **7.50.040 Personal representatives voting.**

811 A. Any person with a disability who, because of that disability, is unable to go to a polling place
812 to vote may vote a personal representatives ballot, or the voter may, through a representative,
813 request a personal representatives ballot from the clerk or an absentee voting official 15 days
814 before an election, up to and including the day before the date of the election during regular office
815 hours, or from an election precinct voting official on election day.

816 B. If the request for a personal representatives ballot is made through a representative, the
817 representative shall sign a personal representatives register provided by an election official. The
818 register must include the following information:

- 819 1. The representative's name;
- 820 2. The representative's residence and mailing address;
- 821 3. The representative's social security number, voter number, or date of birth;
- 822 4. The name of the voter on whose behalf the representative is requesting a ballot;
- 823 5. An oath that the representative:

- 824 a. Is receiving a ballot and voting materials on behalf of the voter;
- 825 b. Will not vote the ballot for the voter;
- 826 c. Will not coerce the voter;
- 827 d. Will not divulge the vote cast by the voter; and
- 828 e. Has been notified that unlawful interference with voting is punishable under AS 15.56.030 or
829 15.56.035.
- 830 C. The clerk, absentee voting official, or election precinct voting official shall keep a record of
831 the name and signature of each representative requesting an absentee ballot and the name of
832 the person on whose behalf the ballot is requested. The clerk, absentee voting official, or election
833 precinct voting official shall record the date and time the absentee ballot is provided and the time
834 the ballot is returned.
- 835 D. The representative shall deliver the personal representatives ballot and other voting materials
836 to the voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in
837 the small gray envelope, and place the small gray envelope in the personal representatives
838 envelope provided. The voter shall provide the information on the envelope that would be required
839 for absentee voting if the voter voted in person. The voter shall sign the voter's certificate in the
840 presence of the representative. The representative shall sign as attesting official and date the
841 voter's signature.
- 842 E. The representative shall deliver the ballot and voter certificate to an election official not later
843 than 8 p.m. on election day.
- 844 F. If a voter's disability precludes the voter from performing any of the requirements of subsection
845 D of this section, the representative may perform those requirements, except making the voting
846 decision, on the voter's behalf.
- 847 G. A candidate for office, the voter's employer, an agent of the voter's employer, or an officer or
848 agent of the voter's union may not act as a representative for the voter.

849 **7.50.050 Absentee voting – By mail.**

850 A. Any person may apply for an absentee ballot by mail or by electronic transmission if received
851 by the clerk not more than six months nor less than seven days before an election. The application
852 shall include the address where the absentee ballot shall be mailed and the applicant's full local
853 residence address and signature.

854 B. After receipt of an application by mail, the clerk shall send the absentee ballot ~~and other~~
855 ~~absentee voting material~~ to the applicant by at least first-class, nonforwardable mail. The ballot
856 shall be accompanied by instructions on how the ballot must be voted, the oath and affidavit
857 envelope completed, and the ballot returned in order to be counted. ~~The materials shall be sent~~

858 ~~as soon as they are ready for distribution. There shall be a small gray envelope and a return~~
859 ~~envelope addressed to the clerk supplied to each absentee by mail voter. The return envelope~~
860 ~~shall have printed upon it an affidavit by which the voter shall declare their qualification to vote,~~
861 ~~followed by a provision for attestation by an official authorized to administer an oath or two~~
862 ~~witnesses over the age of 18.~~

863 C. Upon receipt of an absentee ballot by mail, the voter, ~~in the presence of a notary public, other~~
864 ~~person qualified to administer oaths, or two persons over the age of 18 years,~~ may proceed to
865 mark the ballot in secret, place the ballot in the small gray envelope, place the small gray envelope
866 in the larger return envelope, and sign the voter's certificate on the back of the return envelope in
867 the presence of an official ~~the witness(es)~~ who shall sign as attesting official(s) and shall date their
868 ~~voter's~~ signature. Officials recognized to attest the legitimacy of signatures listed in this subsection
869 are: a notary public, a commissioned officer of the armed forces including the National Guard,
870 state court judge, magistrate, United States postal official, or other person qualified to administer
871 oaths. If none of the officials listed in the subsection are reasonably accessible, an absentee voter
872 shall have the ballot witnessed by a person over the age of 18 years.

873 D. The voter shall provide a proof of identification including one of the three unique pieces of
874 personal identification which shall include the voter's date of birth, last four digits of the voter's
875 voter identification number to aid in the establishment of the voter's identity. These unique
876 identifiers shall be provided by the voter on the larger return envelope.

877 ~~ED.~~ The voted absentee by-mail ballot must be either delivered to an election official before the
878 time set for in person absentee votes to be cast, or postmarked on or before midnight of election
879 day and received by the clerk no later than the Tuesday following the election by 5 p.m. Ballot
880 envelopes received after that time shall not be opened but shall be marked "rejected," with the
881 date of receipt noted thereon, and shall be preserved as set by the records retention schedule.
882 The canvass board shall review voted by-mail ballots under this section using the established
883 procedures for the review of absentee ballots.

884 D. A voter who does not receive an absentee by-mail ballot or any voter wishing to vote absentee
885 in-person or early vote in person may do so at any designated absentee or early voting site.

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

893 F. The borough clerk shall maintain a record of the name of each voter to whom an absentee
894 by-mail ballot is sent under this section. The record must list the type of ballot mailed, date on
895 which the ballot is mailed, date on which the ballot is received by the borough clerk. The record
896 shall be made available for public inspection.

897 **7.50.060 Designation of absentee voting officials.**

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

901 **Chapter 7.60**
902 **ELECTION PAMPHLET**

903 Sections:

904 **7.60.010 Election pamphlet.**

905 **7.60.010 Election pamphlet.**

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

908 B. Each election pamphlet shall contain:

909 1. A map of the election precincts;

910 2. Sample ballots;

911 3. An absentee ballot application;

912 4. Candidate information and a candidate statement submitted by the close of nominating
913 period. Candidate names shall be listed in the pamphlet in the order that candidacy
914 declarations are filed.

915 5. 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
919 administration 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 submitted
925 to the voters for approval.

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

929 E. Not less than 14 days before the election, the clerk shall mail to every registered voter
930 household one copy of the pamphlet and may post the information on the Borough web site or
931 other social media platforms. Additional pamphlets may be obtained from the borough offices and
932 other places determined to be appropriate by the clerk. Provided, however, that errors or
933 omissions in the pamphlet or failure of the borough to provide a voter pamphlet shall not invalidate
934 an election.

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

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

941 **Chapter 7.70**
942 **ELECTIONS BY MAIL**

943 Sections:

- 944 **7.70.010** Conduct of election by-mail.
945 **7.70.020** Notice of election--Election date-public notice.
946 **7.70.030** Election Absentee voting officials - duties.
947 ~~**7.70.040** Notification to voters.~~
948 ~~**7.70.050** Notice of election.~~
949 ~~**7.70.060** Voter instructions.~~
950 **7.70.070** Casting ballots.
951 **7.70.080** Storing ballots.

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 regular~~
954 ~~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 notified~~
959 ~~the clerk in writing of a different address to which the ballot should be sent. The clerk shall send~~
960 ~~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 the~~
964 ~~review of absentee ballots.~~

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

969 A. The Clerk may conduct a regular or special n-election by-mail with the approval of the
970 Assembly.

971 B. When the borough clerk conducts an election by mail, the borough clerk shall send a ballot
972 to each person whose name appears on the official voter registration list prepared under AS
973 15.07.125 for that election. The ballot shall be accompanied by instructions on how the ballots
974 must be voted, the oath and affidavit envelope completed, and the ballot returned in order to be
975 counted. The ballot shall be sent to the address stated on the official registration list unless the
976 voter has notified the borough clerk in writing of a different address to which the ballot should be
977 sent or the address on the official registration list has been identified as being an undeliverable
978 address. The borough clerk shall send ballots by first-class, nonforwardable mail on or before the
979 fifteenth day before the election.

980 C. Upon receipt of a by-mail ballot, the voter shall cast the ballot in the manner specified in KIBC
981 7.50.050(C). The voted by-mail ballot must be either delivered to an election official before the
982 time set for in person absentee votes to be cast, or postmarked on or before midnight of election
983 day and received by the clerk no later than the Tuesday following the election by 5 p.m. Ballot
984 envelopes received after that time shall not be opened but shall be marked "rejected," with the
985 date of receipt noted thereon, and shall be preserved as set by the records retention schedule.
986 The canvass board shall review voted by-mail ballots under this section using the established
987 procedures for the review of absentee ballots.

988 D. A voter who does not receive a by-mail ballot or any voter wishing to vote absentee in-person
989 or early vote in person may do so at any designated absentee or early voting site.
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991 **7.70.020** Notice of election - Election date-public notice.

992 ~~When the clerk determines that an election will be conducted by mail under KIBC 7.70.010, the~~
993 ~~notice of election calling for the election must state that the election is to be conducted by mail~~

994 ~~and that there will be no polling place open for regular in-person voting on election day. In a by-~~
995 ~~mail election, election day will be the date designated by the clerk as the deadline by which a~~
996 ~~voter's ballot must be voted, witnessed, mailed, and, if postmarked, date-stamped by the post~~
997 ~~office.~~

998 A. The notice of election calling for the election must state that the election is to be conducted
999 by-mail and that there will be no polling place open for regular in-person voting on election day,
1000 with the exception of designated absentee in-person or early voting polling locations.

1001 B. For each election conducted by mail, the public notice published will include the information
1002 specified in KIBC section 7.10.060.

1003 **7.70.030** Absentee voting ~~Election~~ officials - duties.

1004 ~~In each election conducted by mail, the assembly shall appoint an election board composed of at~~
1005 ~~least three. The borough clerk may appoint~~ election officials for each precinct in which the election
1006 ~~is to be held. In the precincts of~~ in Akhiok, Cape Chiniak, Karluk, Larsen Bay, Old Harbor,
1007 Ouzinkie, and Port Lions who are willing and able to serve as absentee voting officials. Absentee
1008 voting officials serving under this section shall be compensated at a rate determined by the clerk
1009 to be commensurate with the duties as compared to other election officials. ~~—The Clerk shall~~
1010 ~~provide moderate compensation to the absentee voting officials to cover added expenses of the~~
1011 ~~administration of this service, which shall be agreed to by the absentee voting,~~ at least one
1012 election official for each precinct shall be available for at least 15 days preceding the election and
1013 on election day, at the hours and location specified by the clerk. For the precincts of Flats, Kodiak
1014 No. 1, Kodiak No. 2, and Mission Road, at least one election official shall be available for at least
1015 15 days preceding the election and on election day, at the hours and location specified by the
1016 clerk. The clerk shall supply adequate voting supplies and ballots to the election officials. All
1017 election officials, before entering upon their duties, must subscribe to the oath required of all public
1018 officers by the Constitution of the state in the manner prescribed by the clerk. The duties of the
1019 election official shall be as follows:

1020 A. Provide absentee voting in person and personal representatives voting on any date the
1021 election officials are available, including the day of the election, ~~following the procedures in KIBC~~
1022 ~~7.50.030 and 7.50.040. Voters have until the day of the election to return ballots.~~

1023 B. Sign a voter's by-mail oath and affidavit envelope as an authorized attesting official, except
1024 that the election official may not attest the official's own ballot.

1025 C. Accept receipt of a by-mail voter's hand-delivered voted ballot, which has been sworn to,
1026 attested, and sealed in the by-mail return envelope.

1027 D. Provide general voter assistance including, but not limited to, assistance to a qualified voter
1028 who cannot read, mark the ballot, or sign the register, and providing replacement ballots to voters
1029 who have improperly marked or damaged their ballots.

- 1030 ~~E.— Date stamp all ballots received by the election officials at their stations.~~
- 1031 F. Receive ballots and ~~P~~provide for the security and safekeeping of all ballots received ~~by the~~
1032 ~~election officials at their stations~~ and present return those ballots to the clerk for canvassing. The
1033 borough clerk will specify the means of returning the voted ballots and all other election supplies
1034 to the borough.
- 1035 ~~G.— The election officials for the precincts of Flats, Kodiak No. 1, Kodiak No. 2, and Mission Road~~
1036 ~~shall receive and date stamp ballots delivered by the United States Postal Service and present~~
1037 ~~those ballots to the clerk for canvassing.~~
- 1038 ~~H.— Any other duties assigned by the clerk.~~
- 1039 **7.70.040 — Notification to voters.**
- 1040 ~~In addition to the public notice required by KIBC 7.10.060, the clerk shall send to each voter whose~~
1041 ~~name appears on the official register advance notice of the election at the mailing address stated~~
1042 ~~in the voter's current registration record. The notice will be sent before ballots are mailed, and will~~
1043 ~~include:~~
- 1044 ~~A.— The date of the election.~~
- 1045 ~~B.— Disclosure that the election will be conducted by mail and that no polling place will be available~~
1046 ~~for regular in-person voting on election day.~~
- 1047 ~~C.— Designation of the offices to which candidates are to be nominated or elected and a statement~~
1048 ~~of the subject of the propositions and questions that are to appear on the ballot.~~
- 1049 ~~D.— Designation of the date on which ballots are expected to be mailed to the voters.~~
- 1050 ~~E.— Designation of the dates upon which a voter who may not have received a ballot can appear~~
1051 ~~before a by-mail official and vote in person as specified in KIBC 7.70.030.~~
- 1052 ~~F.— A listing of appointed by-mail officials and their hours and locations, and the services they can~~
1053 ~~provide.~~
- 1054 ~~G.— A statement of when the ballots may be voted, and the date upon which the ballot must be~~
1055 ~~postmarked and received by the clerk or received by the by-mail voting official as specified in~~
1056 ~~KIBC 7.70.030 in order to qualify for inclusion in the election tabulation.~~
- 1057 ~~H.— Brief general instructions on how the ballots must be voted and how the oath and affidavit~~
1058 ~~envelope must be completed.~~

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~~7.70.050~~ — ~~Notice of election.~~

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

~~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.~~

7.70.0470 Casting ballots.

A. Upon receipt of a by-mail-in ballot, the voter shall cast 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~~ in the presence of an election official, the official ~~clerk shall~~ may 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 by-mail-in ballot may ~~cast the~~ early vote or cast an absentee 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.~~

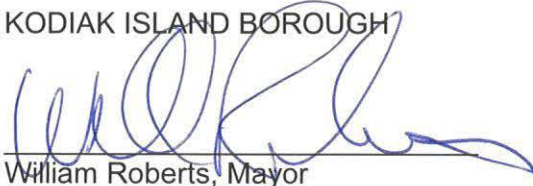
7.70.0580 Storing ballots.

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.

Effective Date: This ordinance takes effect upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS SEVENTH DAY OF JULY, 2022**

KODIAK ISLAND BOROUGH


William Roberts, Mayor

ATTEST:


Nova M. Javier, MMC, Borough Clerk

VOTES:

Ayes: Arndt, Smiley, Turner, Williams
Absent: Delgado, Griffin, Smith

