

**CITY OF SELDOVIA
ORDINANCE 19-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA,
AMENDING CHAPTER 2.32 ELECTIONS, SECTIONS 2.32.060 CANDIDACY
ELIGIBILITY AND DECLARATION, 02.32.066 BALLOTS--DISTRIBUTION, AND
2.32.150 ABSENTEE VOTING**

WHEREAS, it is prudent of the City of Seldovia to align candidacy eligibility and declaration, ballot distribution, and absentee voting timelines with the Kenai Peninsula Borough to facilitate future election efficiency for the City of Seldovia and the Kenai Peninsula Borough.

SECTION 1. CLASSIFICATION: This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

SECTION 2: SEVERABILITY: If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to another person or circumstances shall not be affected thereby.

SECTION 3. ENACTMENT: AMENDING SECTIONS 2.32.060 CANDIDACY ELIGIBILITY AND DECLARATION, 02.32.066 BALLOTS DISTRIBUTION, AND 2.32.150 ABSENTEE VOTING BY REMOVING LANGUAGE IN ~~STRIKEOUT~~ AND ADDING LANGUAGE IN **HIGHLIGHT** TO READ AS FOLLOWS:

2.32.060 Candidacy eligibility and declaration. A. A person is eligible to hold office who has met the requirements of 2.04.010(b) or 2.08.010(c)

B. ~~A candidate for election to the office of City Council member or the office of Mayor must file a Declaration of Candidacy in the office of City Clerk no sooner than fifty days preceding the date of election, and no later than thirty days immediately preceding the election. Notice shall be published by the City Clerk.~~ **A person declares candidacy for an elective City office by filing a declaration of candidacy with the City Clerk on or after August 1st and not later than 4:30 p.m. August 15th; provided, that if August 15th is a Saturday or Sunday, a declaration of candidacy may be filed no later than 4:30 p.m. on the following Monday.**

C. Form of the Declaration of Candidacy shall be as follows:

"I,___, declare that I reside at , in the City of Seldovia, Alaska; that I am a resident of the State of Alaska; that I am a citizen of the United States of America; and that I am a qualified voter of the City of Seldovia, Alaska. I declare myself a candidate for the office of for a term of years, commencing___,20 , and ending, 20 ; that I accept the nomination and will serve if elected; and request that my

name be printed upon the official ballot for the city election to be held in the City of Seldovia, Alaska, on the ____ , 20___. Signature of Candidate"

Notary Signature and Seal

D. There is nothing in this provision to indicate that write-in candidates will not be accepted on the ballot. (Ord.87-5 Sec. 3, 1987)

2.32.065 Ballots—Forms. A. Ballots shall be prepared in the manner prescribed for State elections, insofar as such requirements are applicable to nonpartisan elections.

B. City of Seldovia ballots shall be numbered in series. At the top of the ballot shall be printed the words: "Official Ballot of the City of Seldovia, Alaska," the date of the election, and whether it is a regular or special election.

C. All candidates for the same office shall be shown on one ballot. The title of each office to be filled shall be followed by the printed names of all candidates for that office and the provision shall be made for write-ins equal in number to the positions to be filled, except there shall be no provision made for write-ins on a runoff election ballot. The names of candidates shall be printed as they appear upon the candidacy declaration forms except that any honorary or assumed title or prefix shall be omitted, but may include in the candidate's name any nickname or familiar form of a proper name of the candidate. The words "Vote for not more than ", with the appropriate number replacing the blank, shall be placed before the lists of candidates for each office. Ballots shall be numbered consecutively and candidate names shall be listed in the order that candidacy declarations are filed.

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

E. The Clerk shall have printed and available at each polling place on Election Day and in the Clerk's office preceding the election, the sample ballots on tinted paper for each election. Instructions to voters may be printed on the back of the sample ballot.

F. If the Election Board receives an insufficient number of official ballots, it shall provide and the voters may use a substitute ballot. The Election Board shall certify the facts that prevented the use of the official ballots and materials and shall include the certificate in the election returns. (Ord. 05-01)

2.32.066 Ballots—Distribution. A. The Clerk shall have the official ballots in his possession at least ~~25~~ **15** days before each regular election or ~~seven~~ **10** days before each special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or his authorized agent, and any mistake discovered shall be corrected immediately.

B. The ballots shall be delivered in a separate sealed package, with the number of ballots enclosed clearly marked on the outside of the package. A receipt shall be signed by the Election Chair; the receipt to be preserved with other records of election. (Ord. 05-01; Ord. 10-02 Sec 2, 2009; Ord. 17-01)

2.32.070 Voter qualifications. A person may vote in an election who:

1. Is a citizen of the United States;
2. Is at least eighteen years of age;
3. Has resided within the municipality the thirty days prior to the election;
4. Is a registered voter with the State of Alaska;
5. If convicted of a felony, has had his/her civil rights restored;
6. Has completed a voter registration card with the State of Alaska thirty days prior to an election. (Ord. 72-2 Sec. 7, 1972)

2.32.080 Election judges selected. A. Three election judges shall comprise the election board. Election judges shall be appointed by the City Council by resolution at least thirty days before the election for which they are to serve. The City Clerk or such other person as the Council may designate shall notify each judge of his appointment by forthwith transmitting to him a copy of the resolution of appointment.

B. A clerk or clerks or judge/alternate(s) of election may be appointed in a similar manner by the Council to assist the election judges with the election. Clerks are not members of the election board. Judge/alternate(s) may be called upon to be a member of the election board in the event that a judge does not appear or become incapacitated during the Election Day. Judge/alternate(s) become a board member upon taking the oath required of a judge. This oath may be issued by an election judge or City Clerk.

C. Appointees shall accept their appointments in writing at least ten days before the election for which they are to serve. This acceptance shall be substantially in the following form:

"I hereby certify that I am a qualified voter of the City of Seldovia and do hereby accept appointment as election judge (or clerk, or judge/alternate) as set forth in Resolution adopted by the City Council on _____, 20____." (Ord. 72-2 Sec. 8, 1972)

2.32.090 Election judges and clerks--Oath. On election day, or earlier, and before entering on their duties, the election judges and clerks, if any, shall execute an oath of office in the following form:

"I, _____, being duly sworn on oath, do solemnly swear, THAT I am qualified voter residing in the City of Seldovia, THAT I will support and defend the Constitution and laws of the United States of America and the laws of the State of Alaska, and that I honestly, faithfully, promptly and impartially perform the duties of judge (or clerk), as may be required for the election, _____, 20____, in and for the said City of Seldovia, Alaska, so help me God.

Signature of
Judge Attest:
"Witness and Date"

2.32.100 Election board--Organization and duties. A. If any appointed judge or clerk fails to appear or becomes incapacitated during the time of the election or canvass, a judge/alternate shall be selected by the remaining board members or City Clerk to fill the vacancy. The newly selected judge will take the oath of judge before taking office.

B. On the day of election before eight in the morning, or earlier, the City Clerk shall supply to the election board the following:

1. One ballot box with lock and key;
2. One register;
3. The official ballots, numbered serially from one, in an amount to meet the needs of the election;
4. Any administrative supplies necessary for efficient conduct of the election.

C. The decision of the majority of judges shall determine the action that the election board shall take regarding any questions that arise during the course of the election.

D. The two judges other than the chairman of the election board are authorized to perform the duties of election clerks wherever required. (Ord. 72-2 Sec. 10, 1972; Ord. 1002 Sec 2, 2009)

2.32.110 Conduct of election and polls. A. During the hours that the polls are open the election judges shall insure that:

1. No person who is in the polling place or within two hundred feet of any entrance thereto attempt to persuade any person to vote for or against any candidate, proposition or question;

2. No person solicits any person in the polling place or in the line waiting to vote for any purpose whatsoever;

3. No sign or other advertising device for or against any candidate, proposition or question is within two hundred feet of any entrance to the polling place.

B. On the day and hour of election, the election board shall announce that the polls are open and receive voters;

C. The members of the election board shall keep an original register in which each voter, before receiving his ballot, shall sign his name and give both his residence and mailing address. The signing of the register constitutes a declaration by the voter that he is qualified to vote;

D. Each member of the election board shall challenge, and any watcher or other person qualified to vote in the City, may challenge any person attempting to vote if the challenger has good reason to suspect that the challenged person is not qualified to vote. A challenge shall be based upon a discrepancy as to those qualifications listed in Section 2.32.070. Any challenged person, before voting, shall subscribe to an oath and affidavit in the following form:

"I, the undersigned, do solemnly affirm that I am at least eighteen years old, a United States citizen, an actual bona fide resident of Alaska, and have been such resident for seventy-five days immediately preceding this election, have been a resident of the City of Seldovia for thirty days immediately preceding this election, am now a resident of the City of Seldovia at this election, have not previously voted in this election, and that I am fully qualified in accordance with qualifications set forth in the Notice of Election to vote at this election within the City of Seldovia held this day of____, 20____ .

Signature of Affiant
Election Judge
Election Judge

E. After the challenged person has taken the oath and signed the affidavit the person may vote. If the challenged person refuses to take the oath and sign the affidavit, the person may not vote.

F. Any judge may administer to a voter any oath necessary in the administration of the election. (Ord. 72-2 Sec. 11, 1972; Ord 10-02 Sec 2, 2009)

2.32.120 Balloting. A. When the voter has qualified to vote, the election judge shall give him an official ballot. The voter shall retire to a booth or screen to mark the ballot.

B. If any voter improperly marks or damages a ballot, the voter may request and the election board shall provide him with another ballot, with a maximum of three, and the board shall retain the improperly marked ballot.

C. The voter shall mark the ballot only by placing an "X" in the square opposite his/her choice; cross marks, checks or plus signs are to be considered the same as an "X" and are valid; a mark that is substantially in the square or touching it and no other is valid. A write-in choice is valid only if the name of the person chosen is written in and the opposite square is marked. If more choices are marked than are persons or questions to be elected, that race or proposition is invalid.

D. No ballot may be exhibited by any voter to anyone in the polling place, discussed with anyone, taken from the polling place, or marked or folded in any way which would identify it, and no judge shall in any way handle a ballot in such manner as would permit its identification. However, a qualified voter, who is incapable of marking his ballot, may be assisted by an election judge, or other person of his choice, provided such other person shall first take an oath not to attempt to influence the voter assisted or to divulge the vote cast.

E. Fifteen minutes before and at the time of closing the polls, the Election Board shall announce the present time and the time of closing the polls, every qualified voter present and in line at the time of closing the polls may vote. (Ord. 72-2 Sec. 12, 1972; Ord 10-02 Sec 2, 2009)

2.32.130 Counting and disposition of ballots. A. When the polls are closed and the last vote has been cast, the Election Board shall immediately proceed to open the ballot boxes and to count and canvass the vote.

B. The Election Board shall first reconcile the ballots and voters as in the following example:

Ballots received: No. ___ to No. ___ inclusive 500
Ballots remaining: No. ___ to No. ___ inclusive 100
Ballots to account for: 400*

*These totals should agree

Such reconciliation shall be on the ballot reconciliation form.

C. The election board shall then open the ballot box and first proceed as follows:

1. Count the ballots.
2. If the numbers agree with number of "Persons voted (from count of register of persons checked off as actually voting)," the board proceeds as set forth in the following instructions; if there is a

discrepancy, the board re-checks the reconciliation to cure the discrepancy.

- D. The count of votes on the ballots shall be made as follows:
1. The names of the candidates shall be written on a blank page.
 2. The judges shall designate one of the election judges to read aloud slowly the votes shown on each ballot. Before reading the votes, if there appears to be reasonable cause to question the validity of a ballot, race or proposition the reading judge shall check the ballot and if the election board finds the ballot, race or proposition to be invalid, it shall be set aside and not be counted. Write in votes will be counted.
 3. As each vote is read out, the tallying judges, shall tally the votes on their tally sheets.
 4. The tallies shall be totaled. If there is a discrepancy between the two tallies, a recount will be made, with the other judge reading out the votes in order to cure the discrepancy.

E. When the vote count and tally of votes has been completed, the Election Board shall make a certificate of results in duplicate; such certificate shall be substantially in the following form and shall be signed by all judged.

"We, the undersigned, judges of election of the City of Seldovia in the election of held _____, 20__ do solemnly affirm that the results of the said election are as follows:

Name Number of Votes

IN WITNESS WHEREOF, we affix our names hereunder in each other's presence this day of , 20."

F. The same general procedures as outlined above for recording and counting ballots for candidates shall apply for votes on propositions or questions voted on at the election.

G. On completion of the above certificate, the judges shall then assemble the following material, with each item clearly identified:

1. The oaths of the judges;
2. The certification of election results;
3. All valid voted ballots;
4. All tabs from voted ballots;
5. The stubs of all used ballot packets plus the last partially-used ballot packet with the unused ballots attached be defaced by tearing;
6. Affirmation by challenged voters;
7. The registration book;

8. Signed statements by the judges concerning challenged persons which did not result in affirmation by the challenged persons and concerning incidents occurring during the voting.

H. The City Clerk shall be present when the election material specified in the foregoing item of subsection G above has been assembled and shall take note of the placing of the material in a large envelope or in a package, by the election judges. The judges shall then sign their names on the envelope or package, seal it, and deliver it into the hands of the City Clerk who shall forthwith insure that it is placed in the City Hall safe. (Ord. 72-2 Sec. 13, 1972; Ord. 10-02 Sec 2, 2009)

2.32.140 Disposition of challenged ballots. A. A challenged voter shall vote his ballot in the same manner as prescribed for other voters. After voting, the challenged voter shall insert the ballot into a small blank envelope, seal it and put the envelope into a larger envelope in which the oath and affidavit, previously signed are contained. This envelope shall be sealed and deposited in the ballot box along with the attached statement of asserted invalidity.

B. These challenged ballots will be examined by the City Clerk prior to the time of counting the absentee ballots, to determine the validity of the ballots. Those ballots found to be valid will be tallied with the absentee ballots in accordance with Seldovia City Code sections 2.32.130 and 2.32.150.

C. A person who frivolously, maliciously or in bad faith challenges a voter is guilty of a misdemeanor and upon conviction shall be imprisoned for not more than thirty days or fined not more than one hundred dollars or both. (Ord. 72-2 Sec. 14, 1972; Ord 10-02 Sec 2, 2009)

2.32.150 Absentee voting. A. A qualified voter may vote absentee:

1. If he believes he will be unavoidable absent from the City on election day, whether inside or outside the state; or
2. If he will be unable to be present at the polls because of physical disability; or
3. If he believes he will be unable to be present at the polls because of the physical inaccessibility of the polling place causing undue travel expense, hardship or hazard to the voter.

B. Any qualified voter wishing to apply for an absentee ballot in person may do so ~~no sooner than twenty days prior to the Election Day~~ **any day after the ballots are prepared and available**, but not on Election Day.

C. Anyone wishing to apply for an absentee ballot by letter may do so no sooner than twenty days prior to the election and not later than five in the afternoon 8 days preceding the election. The application by letter must contain the voter's name, a statement that he is a qualified voter of the City of Seldovia, his address where the absentee ballot is to be sent and his local residence address.

D. A person may apply for an absentee ballot through a personal representative who must supply an application in the voter's behalf containing the same information as if the application had been made through a letter.

- E. The City Clerk shall be responsible for:
1. Issuing ballots and envelopes for absentee voting and for keeping a complete record of ballots issued;
 2. For receiving and safeguarding absentee ballot envelopes received from absentee voters and for keeping a complete record of these;
 3. Providing absentee voters with double envelopes and with necessary information concerning voting.

F. The absentee voter shall seal his voted ballot in an unmarked envelope and fasten the numbered tab to the outside of the envelope. This envelope shall then be sealed in an envelope containing a certification on the back in substantially the form used for the State of Alaska general elections, except that the requirement of thirty-day residence shall be included.

G. All absentee ballots must be postmarked no later than five in the afternoon of the day of the election and received no later than five in the afternoon of the Monday immediately following the election.

H. Disposition of absentee ballots will be in accordance with Seldovia City Code Section 2.32.160.

I. The City Clerk may challenge an absentee voter if he has good reason to suspect that the person attempting to vote is not a qualified voter. Challenged and the disposition of challenged absentee ballots shall be handled in the same manner as a challenged ballot as prescribed in Seldovia City Code Section 2.32.110. (Ord. 72-2 Sec. 15, 1972; Ord. 17-01)

SECTION 4. EFFECTIVE DATE. This ordinance becomes effective upon its adoption by the City Council.

ADOPTED by a duly constituted quorum of the City Council of the City of Seldovia, Alaska this 24 day of June, 2019.

ATTEST:



Heidi Geagel, City Clerk



APPROVED:



Dean Lent, Mayor

Vote:

Colberg-7	Rojas-4
Campbell-	Lethin-4
Morrison-4	Sweatt-4