



TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Karl R. Amylon, City Manager

DATE: June 24, 2020

RE: **Ordinance No. 20-1913 - Amending Title 1 Of The Ketchikan Municipal Code Entitled "General Provisions", Specifically Amending Chapter 1.08 Entitled "Elections"; And Establishing an Effective Date**

The attached ordinance was prepared by City Clerk Kim Stanker, who requested that it be placed before the City Council for consideration at its meeting of July 2, 2020. If adopted, Ordinance No. 20-1913 provides for amending the Ketchikan Municipal Code to revise existing practices associated with elections in light of the COVID-19 pandemic. An explanation of and rationale for the changes are detailed in the City Clerk's transmittal memorandum and require no elaboration on the part of my office.

Ms. Stanker will attend the City Council meeting of July 2, 2020, in order to address any questions and/or concerns that Councilmembers may have.

A motion has been prepared for City Council consideration.

RECOMMENDATION

It is recommended the City Council adopt the motion approving in first reading Ordinance No. 20-1913 amending Title 1 of the Ketchikan Municipal Code entitled "General Provisions", specifically amending Chapter 1.08 entitled "Elections"; and establishing an effective date.

Recommended Motion: I move the City Council approve in first reading Ordinance No. 20-1913 amending Title 1 of the Ketchikan Municipal Code entitled "General Provisions", specifically amending Chapter 1.08 entitled "Elections"; and establishing an effective date.

**Office of the City Clerk
City of Ketchikan, Alaska**

**Kim Stanker, City Clerk
Taylor Lee, Deputy City Clerk**

To: Karl Amylon, City Manager

From: Kim Stanker, City Clerk

Date: June 23, 2020

Subject: **Ordinance No. 20-1913 – Amending Chapter 1.08 Entitled “Elections” of the Ketchikan Municipal Code**

The City is preparing for a precinct-based in-person election for the October 6, 2020 election. Attached is a proposed ordinance to allow for early voting, allow for three or more canvass board members and to allow the City the ability to conduct a regular election by mail. Due to the COVID-19 pandemic, the City is promoting and preparing for an increased number of absentee-by-mail voters. This will allow the City to be more aligned with the voting method adopted by the State of Alaska for the August State Primary and the November State General Election.

Ordinance No. 20-1913 will add the following provisions to increase voter accessibility:

- Adds a provision to authorize youth vote ambassadors who meet the qualifications to serve on an election board or as election officials, as allowed by AS 15.10.108.
- Adds provisions for early voting which allows voting in person 15 days prior to the election with proof of identification and signing an early voter register, and without having to complete the absentee-in-person form.
- Adds a provision to allow three or more qualified voters to be on the canvass board.
- Though the 2020 City Election is planned to be precinct-based and conducted in person, this ordinance adds a provision for a regular election to be conducted by mail as is currently allowed for special elections.

Recommended Motion:

I move the City Council approve in first reading Ordinance No. 20-1913 amending Chapter 1.08 entitled “Elections” of the Ketchikan Municipal Code allowing for early voting; allowing for three or more canvass members; and allowing the City to conduct a regular election by mail if necessitated.

THE CITY OF KETCHIKAN, ALASKA

ORDINANCE NO. 20-1913

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA; AMENDING TITLE 1 OF THE KETCHIKAN MUNICIPAL CODE ENTITLED “GENERAL PROVISIONS”, SPECIFICALLY AMENDING CHAPTER 1.08 ENTITLED “ELECTIONS”; AND ESTABLISHING EFFECTIVE DATE.

RECITALS

WHEREAS, Alaska Statutes authorize youth vote ambassadors who meet the qualifications to serve on an election board or as election officials; and

WHEREAS, provisions for early voting will add a convenience to City voters to allow voting in person 15 days prior to the election with proof of identification and signing an early voter register, and without having to complete the absentee-in-person form; and

WHEREAS, though the 2020 City Election will be precinct-based and conducted in person, this ordinance adds a provision for a regular election to be conducted by mail as is currently allowed for special elections; and

WHEREAS the changes in this ordinance allow for increased accessibility to City voters, and as such, is in the best interest of the City.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

Section 1. **Amendment.** Section 1.08.140 of the Ketchikan Municipal Code, entitled “Election Officials” is amended to add a new subsection (b) and renumber subsequent sections:

(b) The city clerk may appoint persons aged 16 or older as additional election officials if they substantially meet the requirements to serve in the Youth Vote Ambassador Program under AS 15.10.108. Any person so appointed serves under the supervision of the precinct board chair.

(c)~~(b)~~ Candidates, or members of a candidate’s immediate family, shall not serve as election officials for an election in which the candidate’s name is on the ballot.

Section 2. **Amendment.** Section 1.08.370 of the Ketchikan Municipal Code, is hereby retitled “Administration of absentee **and early** voting” and is amended to read as follows:

The city clerk shall provide general administrative supervision over the conduct of absentee **and early** voting. The city clerk shall make available instructions to absentee **and early** voters

Ordinance No. 20-1913

New wording is in red and underlined – Deleted wording is in red [CAPITALIZED AND BRACKETED]

regarding the procedure for absentee and early voting.

Section 3. Amendment. Section 1.08.380 of the Ketchikan Municipal Code, is hereby retitled “Designation of absentee and early voting officials.” and is amended to read as follows:

The city clerk may appoint city or borough clerks or any person qualified to vote in state elections to act as absentee or early voting officials. The city clerk shall supply adequate voting supplies and ballots to the absentee or early voting officials. After taking an oath in the form required of election officials, an absentee or early voting official may perform all the duties of an election official with respect to the issuance, witnessing and receipt of absentee or early ballots at such places and times as the city clerk may designate. Each absentee or early voting official shall transmit the dated envelopes containing the marked ballots to the city clerk in the manner set forth in the written instructions provided by the city clerk. Upon receipt of the absentee or early ballots, the city clerk shall hold the ballots in a secure location until they can be transferred to the canvass board along with the absentee or early in-person registers and other election materials received from the absentee or early voting official.

Section 4. Amendment. Section 1.08.390 of the Ketchikan Municipal Code, is hereby retitled “Absentee and early voting – Eligibility.” and is amended to read as follows:

At any election a qualified voter may vote an absentee or early ballot for any reason.

Section 5. Amendment. Section 1.08.400 of the Ketchikan Municipal Code, is hereby retitled “Absentee and early voting in person.” and is amended to read as follows:

No person may receive a fee from ~~[the]~~ a voter for attesting to any voter’s certificate required in ~~[voting]~~ absentee or early voting.

Section 6. Amendment. Section 1.08.410 of the Ketchikan Municipal Code, is hereby retitled “Materials for absentee and early voting.” and is amended to read as follows:

The city clerk shall provide ballots for use as absentee or early voting ballots for all precincts, and shall provide a secrecy sleeve in which the voter shall initially place the marked ballot, and shall provide a larger envelope, with the prescribed voter’s certificate on the back, in which the secrecy sleeve with ballot enclosed shall be placed. The city clerk shall provide the form of and prepare the voter’s certificate which shall include an oath that the voter is a qualified voter in all respects, a blank for the voter’s signature, a certification that the affiant properly executed the marking of the ballot and identified himself, blanks for the attesting official or witness, and a place for recording the date the envelope was sealed and witnessed.

Section 7. New Section 1.08.415 of the Ketchikan Municipal Code, entitled “Early voting.”

(a) Early voting before an election official shall not begin prior to fifteen (15) days before a regular or special election. A qualified voter may apply in person for an early voting ballot at the office of the city clerk during regular office hours, or the voter may apply to the nearest borough clerk’s office or early voting location during regular office hours.

(b) On receipt of an application for an early ballot the election official shall verify the voter’s proof of identification as required in this title. The election official shall verify that

the voter's residence address appears on the official registration list and is qualified to vote per this title and shall require the voter to sign the early voting register. The election official shall then issue the ballot to the applicant.

(c) The voter shall proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, place the secrecy sleeve in the larger envelope in the presence of the election official who shall sign as attesting official and date of his signature. The election official shall then accept the ballot.

(d) Prior to the election, the clerk shall mark the precinct registers of those voters who voted early or give to the election board in each precinct a list of voters from the precinct who have voted early.

Section 8. Amendment. Subsection 1.08.480(a) of the Ketchikan Municipal Code, entitled "Canvass Board." is hereby amended to read as follows:

(a) Before each election the council shall appoint at least three or more ~~[BUT NOT MORE THAN FIVE]~~ qualified voters, who shall not be members of any precinct election boards for that election, who shall constitute the election canvass board for that election. The canvassing board members shall be qualified voters of the city of Ketchikan, Alaska, shall not be precinct judges or members of the election board and shall be appointed without regard to their membership in any political party, but this shall not prohibit filling vacancies at any later time. All members of the canvass board, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the state of Alaska in the manner prescribed by the city clerk.

Section 9. Amendment. Section 1.08.500 of the Ketchikan Municipal Code, hereby retitled "procedures for handling early, absentee and questioned ballots." is amended by adding a new subsection (b) and renumber subsequent sections:

(a) Absentee Ballots. The large envelope shall be opened and the secrecy sleeve containing the ballot shall be combined with and mixed with other absentee ballot secrecy sleeves containing ballots. The mixed secrecy sleeves and ballots shall be drawn from the stack and the ballots removed, and the ballots shall be counted according to the rules for determining properly marked ballots.

(b) Early Ballots. The large envelope shall be opened and the secrecy sleeve containing the ballot shall be mixed with other early ballot secrecy sleeves. The mixed secrecy sleeves shall be drawn and the ballots removed, and the ballots shall be counted according to the rules for determining properly marked ballots.

~~(c)(b)~~ Questioned Ballots. The canvass board, by majority vote, may refuse to accept and count the ballot of a person properly questioned. If the canvass board refuses to accept the ballot of a person properly questioned, the ballot envelope shall not be opened and a statement for the basis of the refusal shall be recorded upon the ballot envelope. The ballot envelope shall be labeled "rejected ballot" and shall be preserved with other voted ballots. If the ballot is not refused, the large envelope shall be opened, the secrecy sleeve shall be combined with and mixed with other questioned ballot secrecy sleeves containing ballots, and counted the same as absentee ballots.

~~(d)(e)~~ No absentee, early or questioned ballot shall be counted if the voter failed to properly execute the certificate, or if the witness or the officer or other person authorized by law to administer the oath fails to affix his or her signature.

~~(e)(d)~~ After certification of the election, persons who voted an absentee, early or

questioned ballot that was not counted by the canvass board shall be provided a written explanation of the reason their vote was not counted.

Section 10. **Amendment.** Subsection 1.08.760(a)(b) of the Ketchikan Municipal Code, entitled "Voting by mail - Ballots" is hereby amended to read as follows:

- (a) The city clerk may conduct a special **or regular** election by mail.
- (b) When the city clerk conducts an **[SPECIAL]** election by mail, the city clerk shall send a ballot to each person whose name appears on the official voter registration list prepared under AS **15.07.125** for that election. The ballot shall be sent to the address stated on the official registration list unless the voter has notified the city clerk in writing of a different address to which the ballot should be sent or the address on the official registration list has been identified as being an undeliverable address. The city clerk shall send ballots by first class, nonforwardable mail on or before the twenty-second day before the election.

Section 11. **Effective Date.** This ordinance is effective one (1) month after its final passage and publication.

PASSED ON FIRST READING_____.

FINAL PASSAGE_____.

Robert Sivertsen, Mayor

ATTEST:

Kim Stanker, MMC
City Clerk