

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 2 "ADMINISTRATION," CHAPTER 2.40 "ELECTIONS" OF THE SITKA GENERAL CODE BY UPDATING SECTION 2.40.095 "CANDIDATE BIOGRAPHICAL INFORMATION" AND REPEALING AND REPLACING SECTIONS 2.40.190-230 "VI. ABSENTEE OR ADVANCED BALLOTING"

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (SGC).

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to make the submittal of candidate biographical information optional and repeal and replace "absentee or advanced balloting" with "absentee and early voting."

- Sitka General Code states candidates shall submit biographical information after filing for elected office. A concern has been raised that failure to submit the biographical information would result in the candidate's name not being placed on the ballot, which is incorrect. To alleviate concern, the submission requirement is being amended from "shall provide" to "may provide."
• Pursuant to Sitka Home Rule Charter, absentee voting is to be provided to voters. The following absentee voting options are currently offered: by mail, electronic transmission, in person, and personal representative. This ordinance adds early voting an additional form of absentee voting. Early voting is identical to voting at the polls on Election Day. Results are tabulated after the polls close on election night rather than waiting until the Canvass Board processes absentee ballots on the Friday following the election.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 2, entitled "Administration", Chapter 2.40, entitled "Elections", at Section 2.40.095, entitled "Candidate biographical information" be amended, and "VI. Absentee or Advanced Balloting" including Section 2.40.190, entitled "Eligibility", Section 2.40.200, entitled "Assisted Voting", Section 2.40.205, entitled, "Voting by electronic transmission", Section 2.40.210, entitled, "Examination of elector", Section 2.40.220, entitled "Issuance", and Section 2.40.230, entitled, "Casting absentee or advanced ballot" be replaced and repealed to read as follows (deleted language stricken, new language underlined):

Title 2
ADMINISTRATION

Chapters:

2.40 Elections

\*\*\*

\*\*\*

Chapter 2.40

**ELECTIONS**

Sections:

\* \* \*

2.40.095 Candidate biographical information.

\* \* \*

**2.40.095 Candidate biographical information.**

A candidate for elected office ~~shall~~ may provide the municipal clerk with biographical information of not more than one hundred fifty (150) words, a recent photo of the candidate, and a candidate's advocacy statement of not more than two hundred fifty (250) words for publication on the municipal website. All information must be received by the municipal clerk no later than ~~five~~ 5:00 p.m. (Alaska Standard Time) on the forty-sixth (46) day before the election. Information received after the deadline will not be published on the municipal website. A candidate may not make a change to the candidate's biographical information or advocacy statement after the deadline. A candidate's biographical information and advocacy statement must be submitted typewritten or, preferably, transmitted electronically. An article (i.e. e.g., a, and, the) will be counted as one word. Any words included in the candidate's biographical information or advocacy statement beyond the allowed word counts will not be published. The municipal clerk can provide the candidate with acceptable topics for the biographical information and advocacy statement. The municipal clerk may reject any portion of a candidate's biographical information or advocacy statement containing obscene, libelous, profane, slanderous or defamatory material.

\* \* \*

**~~VI. Absentee or Advanced Balloting~~**

~~Sections:~~

- ~~2.40.190 Eligibility.~~
- ~~2.40.200 Assisted voting.~~
- ~~2.40.205 Voting by electronic transmission.~~
- ~~2.40.210 Examination of elector.~~
- ~~2.40.220 Issuance.~~
- ~~2.40.230 Casting absentee or advanced ballot.~~

**~~2.40.190 Eligibility.~~**

~~Any qualified voter may cast an absentee ballot on or after the day the ballots are available from the municipal clerk up to and including election day in a location and at times determined by the municipal clerk. An absentee ballot may also be referred to as an advanced ballot. The provisions of this chapter effectuating absentee or advanced voting rights shall be liberally construed.~~

~~Any qualified voter shall, not more than ninety days nor later than the opening of the polls before such election, apply to the municipal clerk for an absentee or advanced ballot. The application must be signed by the applicant and specify the election for which a ballot is requested. A separate request must be made for each subsequent election.~~

103 **2.40.200—Assisted voting.**

104 A.—Application for Assisted Voting.

105 1.—A qualified voter who is unable to go to the polls due to age, serious illness or disability  
106 may apply to the municipal clerk or designee for an absentee ballot through a personal  
107 representative.

108 2.—The municipal clerk, designee, or election official shall provide the ballot and other  
109 absentee voting materials to the voter's personal representative, who shall be a qualified  
110 Alaska voter.

111 3.—The personal representative shall deliver the absentee ballot to the voter. The  
112 representative may confidentially and without influencing the actual marking of the ballot,  
113 assist the voter in completion of that ballot. Safeguards will ensure that the ballot remains  
114 anonymous, and secure. The ballot must be returned to the municipal clerk, designee, or  
115 election official prior to the closing of the polls.

116 4.—The election official shall keep a record of the name and signature of each personal  
117 representative requesting an absentee ballot and the name of the person on whose behalf  
118 the ballot is requested. The election official shall record the date and time the absentee  
119 ballot is provided and the time the ballot is returned to the election official.

120 5.—A personal representative may not be a candidate for office at that election, may not be  
121 your employer, an agent of your employer, or an officer or agent of your union.

122 6.—The clerk or designee may accept absentee ballot applications by personal  
123 representative at the Pioneer Home or local hospitals, if requested during the absentee  
124 voting period and polling hours.

125 B.—Absentee Voting by Mail.

126 1.—A qualified voter may apply to the municipal clerk for absentee voting by mail-in ballot.

127 2.—An application for an absentee ballot by mail must be postmarked not more than ninety  
128 days nor less than seven days before an election for which the absentee ballot is sought.

129 **2.40.205—Voting by electronic transmission.**

130 Although this should be considered a last alternative, voters may cast a ballot by electronic  
131 transmission with the municipal clerk (if other choices are unavailable to the voter). The voter  
132 submits an application form to the municipal clerk which also certifies that they are a qualified  
133 voter and that they recognize they are voluntarily waiving a portion of their right to a secret ballot  
134 when voting using electronic transmission. Voted ballots by electronic transmission must be  
135 submitted according to the municipal clerk's instructions and received no later than eight p.m.  
136 on election day.

137 **2.40.210—Examination of elector.**

138 The municipal clerk shall make an investigation of the applicant and shall be satisfied that any  
139 absentee ballot applicant is a duly qualified elector.

140 **2.40.220—Issuance.**

141 The municipal clerk shall deliver a ballot to the elector either personally, by a duly authorized  
142 representative, or by mail, and shall keep a register containing the number of ballots issued, the

143 name of the elector and the date of delivery or mailing and date of receipt. The municipal clerk  
144 shall also deliver the following to the elector:

145 A.—An envelope with notations for a certification of voter eligibility and qualification, date of  
146 municipal election, that the ballot is enclosed, that it was properly marked with no undue  
147 influence, signature line, date of voting, and witness signature line, and a note on the front of the  
148 envelope that a ballot is enclosed.

149 B.—The municipal clerk shall issue rules and instructions to absentee voters to aid them in  
150 casting their ballots.

151 C.—After receipt of an application by mail, the municipal clerk shall send the absentee ballot  
152 and other absentee voting material as outlined in this section to the applicant by first class mail  
153 service. The return envelope sent with the materials shall be addressed to the municipal clerk  
154 and marked "Ballot Enclosed." It shall be the duty of the voter to append sufficient postage to  
155 the return envelope.

156 D.—The municipal clerk shall maintain a record of each voter to whom an absentee ballot is  
157 sent by mail and the date of mailing.

158 **2.40.230—Casting absentee or advanced ballot.**

159 A qualified voter may vote early, as soon as the ballots are available from the election official up  
160 to and including election day, in a location and at places and times determined by the municipal  
161 clerk.

162 **2.40.205—Voting by electronic transmission.**

163 Although this should be considered a last alternative, voters may cast a ballot by electronic  
164 transmission with the municipal clerk (if other choices are unavailable to the voter). The voter  
165 submits an application form to the municipal clerk which also certifies that they are a qualified  
166 voter and that they recognize they are voluntarily waiving a portion of their right to a secret ballot  
167 when voting using electronic transmission. Voted ballots by electronic transmission must be  
168 submitted according to the municipal clerk's instructions and received no later than eight p.m.  
169 on election day.

170 **2.40.210—Examination of elector.**

171 The municipal clerk shall make an investigation of the applicant and shall be satisfied that any  
172 absentee ballot applicant is a duly qualified elector.

173 **2.40.220—Issuance.**

174 The municipal clerk shall deliver a ballot to the elector either personally, by a duly authorized  
175 representative, or by mail, and shall keep a register containing the number of ballots issued, the  
176 name of the elector and the date of delivery or mailing and date of receipt. The municipal clerk  
177 shall also deliver the following to the elector:

178 A.—An envelope with notations for a certification of voter eligibility and qualification, date of  
179 municipal election, that the ballot is enclosed, that it was properly marked with no undue  
180 influence, signature line, date of voting, and witness signature line, and a note on the front of the  
181 envelope that a ballot is enclosed.

182 B.—The municipal clerk shall issue rules and instructions to absentee voters to aid them in  
183 casting their ballots.

184 C.— After receipt of an application by mail, the municipal clerk shall send the absentee ballot  
185 and other absentee voting material as outlined in this section to the applicant by first class mail  
186 service. The return envelope sent with the materials shall be addressed to the municipal clerk  
187 and marked “Ballot Enclosed.” It shall be the duty of the voter to append sufficient postage to  
188 the return envelope.

189 D.— The municipal clerk shall maintain a record of each voter to whom an absentee ballot is  
190 sent by mail and the date of mailing.

191 **~~2.40.230 Casting absentee or advanced ballot.~~**

192 ~~A qualified voter may vote early, as soon as the ballots are available from the election official up~~  
193 ~~to and including election day, in a location and at places and times determined by the municipal~~  
194 ~~clerk.~~

195 **VI. Absentee and Early Voting**

196 **Sections:**

197 2.40.190 Eligibility.

198 2.40.195 Absentee voting by mail.

199 2.40.200 Absentee voting by fax or electronic transmission.

200 2.40.210 Absentee voting by personal representative.

201 2.40.220 Absentee voting in person.

202 2.40.230 Early voting.

203 **2.40.190 Eligibility.**

204 Any qualified voter may cast an absentee or early ballot.

205 **2.40.195 Absentee voting by mail.**

206 A. Beginning on January 1 of each election year, any qualified voter may apply for an absentee  
207 by-mail ballot with the municipal clerk. A complete application must be received by the municipal  
208 clerk not less than seven days (7) before an election. The application shall include the address  
209 where the absentee ballot shall be mailed, the applicant’s full local residence address, a voter  
210 identifier (such as a voter identification number, last four digits of social security number, or date  
211 of birth), and the applicant’s signature.

212 B. After receipt of an application, the municipal clerk or designee shall verify the applicant is a  
213 qualified voter, and once verified, shall send the absentee by-mail ballot, instructions, and return  
214 envelope to the applicant by at least first-class mail. The ballot and materials shall be sent as  
215 soon as they are ready for distribution. The return envelope sent with the materials shall be  
216 addressed to the municipal clerk. The absentee by-mail voter is responsible for postage.

217 C. Upon receipt of an absentee by-mail ballot, the voter shall proceed to mark the ballot in  
218 secret, place the ballot in the secrecy sleeve, place the secrecy sleeve in the return envelope,  
219 and sign the voter certification on the back of the return envelope in the presence of an official  
220 who shall sign as attesting official and shall date their signature. Officials recognized to attest  
221 the legitimacy of signatures listed in this subsection are: a notary public, a commissioned officer  
222 of the Armed Forces including the National Guard, state court judge or magistrate, United  
223 States postal official, or other person qualified to administer oaths. If none of the officials listed  
224 in this subsection are reasonably accessible, an absentee voter shall have the ballot witnessed  
225 by a person over the age of 18 years.

232 D. The voted absentee by-mail ballot must be delivered to the municipal clerk or an election  
233 official before polls close on election day or postmarked on or before midnight of election day  
234 and received by the municipal clerk no later than the Friday following the election. Ballot  
235 envelopes received after that time shall not be opened but shall be marked "invalid" with the  
236 date of receipt noted thereon, and shall be preserved with other ballots of the election.

237  
238 E. The municipal clerk shall maintain a record of the name of each voter to whom an absentee  
239 by-mail ballot is sent. The record must list the date on which the ballot is mailed and the date on  
240 which the ballot is received by the municipal clerk. Prior to the election, the municipal clerk shall  
241 mark the precinct registers of those voters who voted by mail or give the election board in each  
242 precinct a list of voters from the precinct who have voted by mail. If a voter who was issued an  
243 absentee by-mail ballot by mail returns to the voter's precinct on election day, the voter may not  
244 vote a regular ballot at the polling place unless the voter first surrenders to the election board  
245 the absentee ballot, ballot envelope, and return envelope issued to the voter. If the voter does  
246 not have the absentee by-mail ballot to surrender, the voter may vote a questioned ballot.  
247 Surrendered absentee by-mail ballots, ballot envelopes and return envelopes collected by the  
248 election board shall be returned to the municipal clerk.

249  
250 **2.40.200 Absentee voting by fax or electronic transmission.**

251 A. Beginning on January 1 of each election year, any qualified voter may apply for an absentee  
252 ballot to be sent by fax or electronic transmission by the municipal clerk. A complete application  
253 must be received by the municipal clerk by 5:00 p.m. (Alaska Standard Time) on election day.  
254 On receipt of a complete application, the municipal clerk or designee shall verify the applicant is  
255 a qualified voter. Absentee ballots will be faxed or electronically transmitted to the location  
256 designated in the application.

257  
258 B. A ballot faxed or electronically transmitted shall contain a copy of the ballot to be used at the  
259 election in a form suitable for transmission. A photocopy of the computerized ballot card to be  
260 used by persons voting in person at the polling places is acceptable.

261  
262 C. To be counted in the election, the voted faxed or electronically transmitted ballot must be  
263 received by the municipal clerk no later than the closing of polls on election day. An absentee  
264 ballot that is completed and returned by the voter by fax or electronic transmission must contain  
265 the following statement: "I understand that by using fax or electronic transmission to return my  
266 marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent  
267 necessary to process my ballot, but expect that my vote will be held as confidential as possible."  
268

269 D. The municipal clerk shall maintain a record of the name of each voter to whom an absentee  
270 by-fax or electronic transmission ballot is sent. The record must list the date and time on which  
271 the ballot is faxed or electronically transmitted and the date and time on which the ballot is  
272 received by the municipal clerk. Prior to the election, the municipal clerk shall mark the precinct  
273 registers of those voters who voted by fax or electronic transmission or give the election board  
274 in each precinct a list of voters from the precinct who have voted by mail. If the voter who voted  
275 a by-fax or electronic transmission ballot returns to the voter's precinct on election day, the voter  
276 may not vote a regular ballot but may vote a questioned ballot.

277  
278 **2.40.210 Absentee voting by personal representative.**

279 A. A qualified voter who is unable to go to a polling place due to age, illness, or disability may  
280 vote a personal representative ballot. The voter may, through a representative, request a

281 personal representative ballot from the municipal clerk or an election official, on or after fifteen  
282 (15) days before an election up to and including the date of the election.

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

286 1. The representative's name;

287 2. The representative's residence and mailing address;

288 3. The representative's last four digits of social security number, voter identification  
289 number, or date of birth;

290 4. The name of the voter on whose behalf the representative is requesting a ballot and  
291 voting materials;

292 5. An oath that the representative:

293 a. Is receiving a ballot and voting materials on behalf of the voter;

294 b. Will not vote the ballot for the voter;

295 c. Will not coerce the voter;

296 d. Will not divulge the vote cast by the voter; and

297 e. Has been notified that unlawful interference with voting is punishable under  
298 AS 15.56.030; and

299 6. The representative's signature.

300 C. The municipal clerk or election precinct voting official shall keep a record of the name and  
301 signature of each representative requesting a personal representative ballot and the name of  
302 the person on whose behalf the ballot is requested. The municipal clerk or election precinct  
303 voting official shall record the date and time the personal representative ballot is provided and  
304 the date and time the ballot is returned.

305  
306 D. The representative shall deliver the personal representative ballot and other voting materials  
307 to the voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in  
308 the secrecy sleeve, and place the secrecy sleeve in the personal representative envelope  
309 provided. The voter shall provide the information on the envelope that would be required for  
310 absentee voting if the voter voted in person. The voter shall sign the voter's certificate in the  
311 presence of the representative. The representative shall sign as attesting official and date the  
312 voter's signature.

313  
314 E. The representative shall deliver the ballot and voter certificate to an election official not later  
315 than 8:00 p.m. (Alaska Standard Time) on election day.

316

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

320  
321 G. A candidate for office, the voter's employer, an agent of the voter's employer, or an officer or  
322 agent of the voter's union may not act as a representative for the voter.

323  
324 H. Prior to the election, the municipal clerk shall mark the precinct registers of those voters who  
325 voted by personal representative or give the election board in each precinct a list of voters from  
326 the precinct who have voted by personal representative.

327  
328 **2.40.220 Absentee voting in person.**

329 A. A qualified voter may apply in person for an absentee ballot at the municipal clerk's office in  
330 city hall on or after the day the ballots are available up to fifteen (15) days before election day.

331  
332 B. On receipt of a complete application, the municipal clerk or designee shall verify the applicant  
333 is a qualified voter. Once verified, the municipal clerk or designee shall issue the ballot to the  
334 voter.

335  
336 C. The voter shall proceed to mark the ballot in secret, to place the ballot in a secrecy sleeve,  
337 and place the secrecy sleeve in the larger envelope in the presence of the municipal clerk or  
338 designee who shall sign as attesting official and date their signature. The municipal clerk or  
339 designee shall then accept the ballot.

340  
341 D. The municipal clerk shall maintain a record of the name of each voter who casts an absentee  
342 in-person ballot and the date the ballot was cast. Prior to the election, the municipal clerk shall  
343 mark the precinct registers of those voters who voted an absentee in-person ballot or give the  
344 election board in each precinct a list of voters from the precinct who have voted absentee in  
345 person. If the voter who voted an absentee in-person ballot returns to the voter's precinct on  
346 election day, the voter may not vote a regular ballot but may vote a questioned ballot.

347  
348 **2.40.230 Early voting.**

349 A. Early voting shall be made available and shall not begin prior to fifteen (15) days before a  
350 regular or special election in a location and at times determined by the municipal clerk.

351  
352 B. The early voter shall appear before an election official and provide their name and exhibit one  
353 form of identification, including but not limited to an official voter registration card, driver's  
354 license, passport, hunting or fishing license. An election official may waive the identification  
355 requirement if the election official knows the identity of the voter. A voter who cannot exhibit a  
356 satisfactory form of identification shall be allowed to vote a questioned ballot.

357  
358 C. The election official shall verify that the voter's name and residence address appears on the  
359 official precinct register and shall require the voter to sign the precinct register. If the voter's  
360 name does not appear on the official precinct register, the voter shall be allowed to vote a  
361 questioned ballot.

362  
363 D. When the voter has qualified to vote, the election official shall give the voter an official ballot.  
364 The voter shall proceed to mark the ballot in secret, place the voted ballot in the secrecy sleeve,  
365 and deposit the ballot in the ballot box in the presence of an election official.

366

367 E. The tabulation of early voting ballots may not begin before 8:00 p.m. (Alaska Standard Time)  
368 on election day.

369  
370 F. Prior to the election, the municipal clerk shall mark the precinct registers of those voters who  
371 voted early or give the election board in each precinct a list of voters from the precinct who have  
372 voted early. If the voter who voted an early ballot returns to the voter's precinct on election day,  
373 the voter may not vote a regular ballot but may vote a questioned ballot.

374

375

376

\* \* \*

377

378

379

**5. EFFECTIVE DATE.** This ordinance shall become effective the date after the day  
of its passage.

380

381

382

383

384

385

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of  
Sitka, Alaska, this 25<sup>th</sup> day of April, 2023.

386

\_\_\_\_\_  
Steven Eisenbeisz, Mayor

387

388

389

\_\_\_\_\_  
Sara Peterson, MMC

390

391

392

1<sup>st</sup> reading: 4/11/2023

393

394

2<sup>nd</sup> and final reading: 4/25/2023

395

396

Sponsor: Administrator

397