

CITY OF HOMER
HOMER, ALASKA

City Manager
City Clerk

ORDINANCE 96-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER AMENDING TITLE 4, ELECTIONS, OF THE CITY CODE BY ADDING CHAPTER 4.32, SPECIAL ELECTIONS BY MAIL.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Title 4, Elections, of the Homer City Code is hereby amended by adding Chapter 4.32, Special Elections by mail, to read as follows:

Chapter 4.32

SPECIAL ELECTIONS BY MAIL

Sections:

- 4.32.010 Voting by mail--Ballots--Ballot review--Ballot envelopes.
- 4.32.020 Casting ballots.
- 4.32.030 Notice of election--Election date--Public notice.
- 4.32.040 Absentee voting officials--Duties.
- 4.32.050 Notification to voters.
- 4.32.060 Storing ballots.

4.32.010 Voting by mail--Ballots--Ballot review--Ballot envelopes. a. The Clerk may conduct a special election by mail.

b. When the clerk conducts a special election by mail, the 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 clerk in writing of a different address to which the ballot should be sent. The clerk shall send ballots by first class, nonforwardable mail on or before the 22nd day before the election.

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

d. There shall be a small blank envelope and a return envelope supplied to each by-mail voter. The return envelope

shall have printed upon it an affidavit by which the voter shall declare his qualification to vote, followed by provision for attestation by two attesting witnesses, who are at least eighteen years of age. Specific instructions for voting a by-mail ballot and a notice of the location of the absentee voting station and hours will be mailed to each voter with the ballot.

4.32.020 Casting ballots. a. Upon receipt of a mail-in ballot, the voter shall cast his ballot in the manner specified in HCC §4.30.070. If the ballot is cast in the Clerk's Office, the clerk shall retain it for delivery to the canvas board. If the ballot is cast in another location, the voter shall return it by mail to the clerk immediately for delivery to the canvass board.

b. A voter who does not receive a mail-in ballot may cast his ballot in person as specified in HCC §4.30.060.

c. A voter may return the mail-in ballot to an absentee voting official as provided in HCC §4.32.040.

4.32.030 Notice of election--Election date--Public notice.

a. The notice of election calling for the election must state that the election is to be conducted by mail and that there will be no polling place open for regular in-person voting on election day. In a by-mail election, election day is the deadline by which a voter's ballot must be received by the City Clerk.

b. For each election conducted by mail, the public notice posted in each precinct and the notice published in a newspaper of general circulation within the City will include the information specified in HCC §4.32.050.

4.32.040 Absentee voting officials--Duties. a. The City Clerk may set up an absentee voting station.

b. The duties of the absentee voting official shall be as follows:

1. provide absentee voting in person on any date including the day of the election following the procedures in HCC §4.30.010 and absentee voting through a personal representative on any date including the day of the election following the procedures in HCC §4.30.030(c) and have until the day of the election to return the ballot;

2. sign a voter's by-mail oath and affidavit envelope as an authorized attesting official, except that the absentee voting official may not attest his or her own ballot;

3. accept receipt of a by-mail voter's hand-delivered voted ballot, which has been sworn to, attested and sealed in the by-mail return envelope; and

4. provide general voter assistance, including but not limited to, assistance to a qualified voter who cannot read, mark the ballot, or sign his name, and providing replacement ballots to voters who have improperly marked or damaged their ballots;

5. date-stamp all ballots received;

6. provide for the security and safekeeping of all ballots received and present those ballots to the clerk for canvassing.

4.32.050 Notification to voters. In addition to the public notice required by HCC §4.32.030, the clerk shall send to each voter whose name appears on the official voter registration list advance notice of the election at the mailing address stated in the voter's current registration record. The notice will be sent before ballots are mailed, and will include:

- a. the date of the election;
- b. disclosure that the election will be conducted by mail and that no polling place will be available for regular in-person voting on election day;
- c. designation of the offices to which candidates are to be nominated or elected, and statement of the subject of the propositions and questions that are to appear on the ballot;
- d. designation of the date on which ballots are expected to be mailed to the voters;
- e. designation of the dates upon which a voter who may not have received a ballot can present himself to an absentee official and vote in person as specified in HCC §4.32.020;
- f. a listing of dates, hours and location of the absentee voting station and the services provided;
- g. a statement of when the ballots may be voted, and the date upon which the ballot must be postmarked and received by the clerk or received by an absentee voting official in order to qualify for inclusion in the election tabulation; and

h. brief general instructions on how the ballots must be voted and how the oath and affidavit envelope must be completed.

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

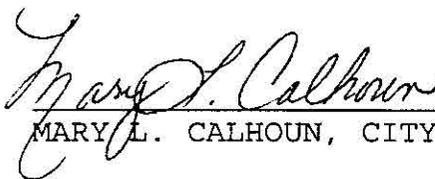
Section 2. This ordinance is of a permanent and general character and shall be included in the City Code and shall become effective upon preclearance by the U.S. Justice Department, Chief, Voting Section, Civil Rights Division.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 13th day of May, 1996.

CITY OF HOMER


HARRY E. GREGOIRE, MAYOR

ATTEST:


MARY L. CALHOUN, CITY CLERK

AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 04/08/96
Public Hearing: 04/22/96
Second Reading: 05/13/96
Effective Date: ~~05/14/96~~

- per preclearance
precleared on 6/27/96 receipt)


Page Five
Ordinance 96-09
City of Homer

Reviewed and approved as to form and content:

Patti J. Whalin
Patti J. Whalin, City Manager

Date: 5/14/96

Gordon J. Tans
Gordon J. Tans, City Attorney

Date: 5/15/96

Fiscal Note attached.