

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Clerk

4 **ORDINANCE 17-28**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING
7 HCC 4.30.070(A) TO INCLUDE A COMMISSIONED OFFICER IN THE ARMED
8 FORCES AS AN ATTESTING OFFICIAL AND CHANGE THE REQUIREMENT
9 FOR TWO ATTESTING WITNESSES WHO ARE AT LEAST 18 YEARS OF AGE
10 TO ONE ATTESTING WITNESS WHO IS AT LEAST 18 YEARS OF AGE WHEN
11 CASTING AN ABSENTEE BY MAIL BALLOT.
12

13 WHEREAS, HCC 4.30.070(a) currently requires two attesting witnesses who are at least
14 18 years of age to cast an absentee ballot by mail; and
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16 WHEREAS, Requiring two witnesses who are at least 18 years old to attest to an
17 absentee ballot cast by mail is inconsistent with HCC 4.30.070(d) which requires only one such
18 witness to attest to a ballot cast by electronic transmission; and
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20 WHEREAS, This change is consistent with Alaska Statutes 15.20.081(d) which states:
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22 Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary
23 public, commissioned officer of the armed forces including the National Guard,
24 district judge or magistrate, United States postal official, registration official, or
25 other person qualified to administer oaths, may proceed to mark the ballot in
26 secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the
27 envelope provided, and to sign the voter's certificate on the envelope in the
28 presence of an official listed in this subsection who shall sign as attesting official
29 and shall date the signature. If none of the officials listed in this subsection is
30 reasonably accessible, an absentee voter shall sign the voter's certificate in the
31 presence of an individual who is 18 years of age or older, who shall sign as a
32 witness and attest to the date on which the voter signed the certificate in the
33 individual's presence, and, in addition, the voter shall certify, as prescribed in
34 AS 09.63.020, under penalty of perjury, that the statements in the voter's
35 certification are true.
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37 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
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39 Section 1. Section 4.30.070(a) is amended to read as follows:
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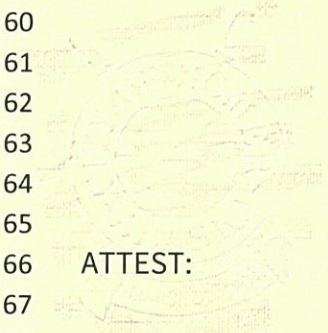
41 a. Upon receipt of an absentee ballot by mail, the voter may proceed to mark the ballot in
42 secret, place the marked ballot in the secrecy sleeve, then place the secrecy sleeve in the return

43 envelope provided, and sign the voter's certificate on the back of the return envelope in the
44 presence of a notary public, commissioned officer of the armed forces including the National
45 Guard, district judge or magistrate, United States postal official, election official or other
46 person qualified to administer oaths, who shall sign as a witness and attest to the date signed.
47 If none of the officials listed in this subsection are reasonably accessible, an absentee voter
48 shall sign the voter's certificate on the back of the return envelope in the presence of a United
49 States citizen who is 18 years of age or older, who shall sign as a witness and attest to the date
50 signed. The voter may then return the envelope with the properly enclosed ballot, postmarked
51 not later than the day of election, to the Clerk for delivery to the Canvass Board.

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53 Section 2. This ordinance shall take effect upon its adoption.

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55 Section 3. This ordinance is of a permanent and general character and shall be included
56 in the City Code.

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58 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 14 day of Aug, 2017.



CITY OF HOMER

BRYAN ZAK, MAYOR

66 ATTEST:

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70 _____
71 MELISSA JACOBSEN, MMC, CITY CLERK

73 YES: 6
74 NO: 0
75 ABSTAIN: 0
76 ABSENT: 0

78 First Reading: 7.24.17
79 Public Reading: 8.14.17
80 Second Reading: 8.14.17
81 Effective Date: 8.15.17

84 Reviewed and approved as to form:

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Kate Koester
Mary K. Koester, City Manager

Date: 8-14-17

Holly Wells
Holly Wells, City Attorney

Date: 8-22-17