

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

ORDINANCE 26-16(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE TITLE 4, ELECTIONS SECTIONS 4.01.040 DATE OF ELECTION, 4.01.100 EXPENSE, 4.10.010 DECLARATION OF CANDIDACY, 4.10.050 PROHIBITIONS, 4.20.020 VOTING PROCEDURE AT THE POLLS, 4.30.020 ELIGIBILITY, 4.30.060 ISSUANCE OF BALLOT BY MAIL OR IN PERSON, 4.35.010 REVIEW OF ELECTION DOCUMENTS BY CANVASS BOARD, AND 4.40.020 RUNOFF ELECTION – DATE AND NOTICE.

WHEREAS, the City of Homer has historically collaborated with the Kenai Peninsula Borough on elections administration, including shared costs for ballot programming, ballot printing, election equipment and election workers; and

WHEREAS, On October 7, 2026, Kenai Peninsula Borough (KPB) Voters approved KPB Ballot Proposition No. 5 moving the Borough election date from October to November; and

WHEREAS, As a result of the election date change Kenai Peninsula Borough Resolution 2025-045 terminated the Memorandum of Agreement that provided for intergovernmental administration of Borough and City Elections; and

WHEREAS, The City's costs to administer local elections would increase significantly if the October election date is maintained; and

WHEREAS, Several other amendments to elections code were identified while reviewing Title 4 in preparation for introducing this date change ordinance.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 4.01.040 Date of election is hereby amended as follows:

4.01.040 Date of election.

37 Regular City elections shall be held on the first Tuesday **after the first Monday in November**
38 ~~in October~~ of each year. Special elections may be held on any Tuesday during the year, and
39 are called by resolution of the Council providing for at least 20 days' notice pursuant to AS
40 Title 29.

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42 Section 2. Homer City Code 4.01.100 Expenses is hereby amended as follows:

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44 4.01.100 Expenses.

45 The City shall pay all necessary election expenses, including those of securing polling places
46 and providing ballot boxes, ballots, voting booths or screens, national flags and other
47 supplies and any wages due election officials unless otherwise provided by this code. The City
48 shall pay each election official the hourly rate for similar election officials for **Kenai Peninsula**
49 **Borough State** elections for the time spent at their election duties, including the receiving of
50 instruction.

51 Section 3. Homer City Code 4.10.010 Declaration of candidacy is hereby amended as
52 follows:

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54 4.10.010 Declaration of candidacy.

55 a. Time. A person declares candidacy for an elective City office by filing a declaration of
56 candidacy with the City Clerk on or after **September** ~~August~~ 1st and not later than 4:30 p.m.
57 on **September** ~~August~~ 15th; provided, that if **September** ~~August~~ 15th is a Saturday or Sunday,
58 a declaration of candidacy may be filed no later than 4:30 p.m. on the following Monday.

59

60 b. Filing. A declaration of candidacy may be filed with the City Clerk by electronic
61 transmission; provided, that the original signed and notarized declaration is delivered to the
62 City Clerk no later than the close of the filing period. If the City Clerk has not received the
63 original signed and notarized declaration before the close of the filing period, the candidate's
64 name shall not appear on the ballot.

65

66 c. Notice. At least one week preceding the candidate filing period, the City Clerk shall publish
67 a notice announcing that candidacy declarations are available, naming offices and the terms
68 that are open on the next regular election day. The notice shall include:

69

1. Candidate qualifications.

70

2. Time for filing declarations.

71

3. Where to file declarations.

72

73 d. Declaration. The City Clerk shall provide a form for declaration purposes which will include
74 candidate's name, residence address, mailing address and telephone number; a statement of
75 City residence, voter qualifications and the name of the office and the date of the election to
76 which he declares himself a candidate; the term of office; and a statement of acceptance of
77 the office if elected and an acknowledgment of compliance with the State of Alaska
78 Campaign Disclosure Law. The declaration will be signed and dated by the candidate and
79 sealed by a notary. The candidate's name shall be printed as specified on the declaration for
80 candidacy (see ballot form in HCC 4.15.010 for prohibitions).

81
82 Section 4. Homer City Code 4.10.050 Prohibitions is hereby amended as follows:

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84 4.10.050 Prohibitions.

85 a. A person may not serve simultaneously as Mayor, Council member, Commissioner or
86 **member of the Library Advisory Board. Board Member.** ~~member of the Library Advisory~~
87 ~~Board.~~

88
89 b. No elected municipal official may hold any other municipal office, or municipal
90 employment or elected position in the State or Federal government while in office.

91
92 c. A person elected or appointed to the office of City Mayor or City Council member may not
93 be a candidate for another elected City office or for another term for the same City office,
94 except as follows:

95 1. A person holding such City office may be a candidate for election to the same or a
96 different City office during the last year of the person's term of office; and

97 2. A person who resigned from the office of City Mayor or City Council may be a
98 candidate for the same City office only during or after the last year of the term from
99 which the person resigned; and

100 3. At any time a person may be a candidate for the office of City Mayor while
101 simultaneously serving as a City Council member, but if elected such person must
102 resign the office of City Council prior to assuming the office of Mayor.

103
104 d. A candidate for municipal office who has complied with HCC 4.10.010 may not solicit or
105 accept a financial contribution from the City Manager or an employee of the City.

106
107 Section 5. Homer City Code 4.20.020 Voting procedure at the polls is hereby amended
108 as follows:

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110 4.20.020 Voting procedure at the polls.

111 a. Before issuing any ballots, the election board must, in the presence of any persons
112 assembled at the polling place, open and exhibit the ballot box to be used at the polling
113 place. The ballot box then shall be closed and locked and shall not be opened again or
114 removed from the polling place until the polls have closed.

115

116 b. 1. Before being allowed to vote, each voter shall exhibit to an election judge one form
117 of identification, including but not limited to an official voter registration card, driver's
118 license, birth certificate, passport, or hunting or fishing license;

119 2. An election judge may waive the identification requirement if he knows the identity
120 of the voter;

121 3. A voter who cannot exhibit a required form of identification shall be allowed to vote
122 a questioned ballot.

123

124 c. The judges shall keep a register or registers in which each voter, before receiving his ballot,
125 shall sign his name and give both his residence and mailing address. A record shall be kept in
126 the registration book in the space provided of the name of the person who offered to vote but
127 who actually did not vote, and a brief statement of explanation. The signing of the register
128 constitutes a declaration by the voter that he is qualified to vote. If any election official
129 present believes that the voter is not qualified, he shall immediately question the voter
130 according to the procedure outlined in subsection (i)(1) of this section. If the voter's polling
131 place is in question, a voter shall be allowed to vote, and any election official shall consider
132 the ballot as a questioned ballot.

133

134 d. When the voter is qualified to vote, the election judge shall give him an official ballot.

135

136 e. Each voter shall retire alone to a booth or private area to mark his ballot. If a voter is blind
137 or otherwise physically unable to mark his ballot alone, he may request assistance and it may
138 be permitted pursuant to AS 15.15.240. Immediately after marking the ballot, the voter shall
139 place the ballot in the secrecy sleeve to conceal the manner in which the ballot is marked. In
140 all cases the ballot shall be deposited in the ballot box by the voter himself, in the presence of
141 the election judge, unless the voter requests the judge to deposit the ballot on his behalf.

142

143 f. If a voter improperly marks or otherwise damages a ballot, he shall return it to the election
144 officials, concealing the manner in which it is marked, and shall request a new ballot. The

145 election officials shall record and retain the ballot number and destroy the spoiled ballot. A
146 new ballot shall be issued to the voter. A voter may request replacement of a spoiled ballot no
147 more than three times.

148

149 g. Prohibiting the Count of Exhibited Ballots. No election official may allow a ballot to be
150 placed in the ballot box which he knows to have been unlawfully exhibited by the voter. A
151 ballot unlawfully exhibited shall be recorded and treated as a spoiled ballot.

152

153 h. Fifteen minutes before closing the polls, the time remaining before such closure shall be
154 proclaimed. When the polls are closed for the purposes of voting, that fact shall likewise be
155 proclaimed and thereafter no ballot shall be issued except to those voters who were present
156 and waiting their turn to go through the voting procedure at the time prescribed for closing
157 the polls.

158

159 i. Questioned Ballot Procedure.

160 1. Every elected official shall question, and every watcher and other person qualified
161 to vote in the precinct may question a person attempting to vote if the questioner has
162 good reason to suspect that the questioned person is not qualified to vote. All
163 questions regarding the person's qualifications to vote shall be made in writing,
164 setting forth the reason for the question. ~~challenge.~~ A questioned person, before
165 voting, shall provide the information required to vote a questioned ballot and shall
166 subscribe to an oath and affidavit, provided by the Clerk on the questioned voter oath
167 and affidavit envelope, attesting to the fact that in each particular case the person
168 meets all the qualifications of a voter, that he is not disqualified, and that he has not
169 voted previously at the same election. After the questioned person has taken the oath
170 and signed the affidavit, the person may vote. If the questioned person refuses to
171 provide the information required to vote a questioned ballot or refuses to take the
172 oath or sign the affidavit, the person may not vote.

173 2. A questioned voter shall vote his ballot in the same manner as prescribed for other
174 voters. Except that the questioned voter shall insert his ballot into the secrecy sleeve
175 and then into the oath and affidavit envelope for questioned voters provided by the
176 City Clerk. This envelope shall be sealed and deposited in the ballot box. When the
177 ballot box is opened these envelopes shall be segregated for delivery to the counting
178 center/election central along with the registration books or logs, etc.

179

180 Section 6. Homer City Code 4.30.020 Eligibility is hereby amended as follows:

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182 4.30.020 Eligibility.

183 At any election, a qualified voter may vote an absentee ballot for the precinct in which he
184 resides and is registered.:

185 a. ~~If he believes that he will be unavoidably absent from his voting precinct on election day.~~

186 b. ~~If he will be unable to be present at the polls because of physical disability.~~

187

188 Section 7. Homer City Code 4.30.040 Absentee voter at polls is hereby amended as

189 follows:

190

191 4.30.040 Absentee voter at polls.

192 Should an absentee voter present himself to vote on election day, he must present his
193 absentee ballot to the judges before receiving a ballot. He shall vote a ~~challenged~~ **questioned**
194 ballot if his absentee ballot is not presented. The judge or judges of an election shall return
195 the unused absentee voter's ballot with the other voting materials of the precinct and this
196 shall be duly noted by the precinct chair on the narrative form provided.

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198 Section 8. Homer City Code 4.30.060 Issuance of ballot by mail or in person is hereby
199 amended as follows:

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201 4.30.060 Issuance of ballot by mail or in person.

202 Before delivering any ballot, the Clerk shall verify the applicant's right to vote and may
203 require the applicant to comply with the ~~challenged~~ **questioned** ballot procedure. Upon
204 issuing an absentee ballot, the Clerk shall note the date of delivery, mailing or electronic
205 transmission, either on the in-person oath and affidavit envelope or on the application for
206 absentee ballot. The Clerk shall have available for public inspection the names and addresses
207 of persons who voted absentee.

208

209 Section 9. Homer City Code 4.35.010 Review of election documents by Canvass Board
210 is hereby amended as follows:

211

212 4.35.010 Review of election documents by Canvass Board.

213

214 a. The Clerk shall, subject to confirmation of the City Council, appoint a Canvass Board of as
215 many members as required to accomplish the canvass in reasonable time. All members of the
216 election Canvass Board, before entering upon their duties, must subscribe to the oath

217 required of all public officers by the Constitution of the State of Alaska in the manner
218 prescribed by the Clerk. The Canvass Board will review the preliminary certificates of election
219 and all official documents of the precinct election boards and the counting center boards.
220

221 b. Not later than the Monday following each election, the Canvass Board shall meet in public
222 session and canvass all election returns. The Canvass Board may be recessed from day to day,
223 but not more than three such recesses. In full view of those present, the election Canvass
224 Board shall judge the applicability of absentee and questioned ballots, shall open and tally
225 those accepted, and shall compile the total votes cast in the election. The canvass of ballots
226 counted by the counting center shall be accomplished by reviewing the tallies of the recorded
227 vote to check for mathematical error by comparing totals with the counting center logs and
228 certificates of results. All obvious errors found by the election canvass in the transfer of totals
229 from the precinct tally sheets to the precinct certificate of results shall be corrected by the
230 Canvass Board. A mistake which has been made in precinct returns from the tallies to the
231 certificate of results empowers the Canvass Board to recommend a recount of the results of
232 the precinct or precincts for that portion of the returns in question.
233

234 c. To be counted in the election, an absentee ballot by mail must be postmarked by midnight
235 of election day and received by the Clerk before the canvass. Envelopes of absentee ballots by
236 mail received after that time shall not be opened, but shall be marked "invalid" with the date
237 and hour of receipt noted thereon, and shall be retained with other ballots of the election. An
238 absentee ballot that is returned by electronic transmission must be received by the Clerk not
239 later than 8:00 p.m. on election day in order to be counted. When the Clerk receives a
240 completed absentee ballot by electronic transmission, the Clerk will remove the ballot
241 portion of the transmission from the portion that identifies the voter; place the ballot portion
242 in a secrecy sleeve and seal the secrecy sleeve; place the sealed secrecy sleeve in an envelope
243 of the type used for absentee ballots returned by mail and seal that envelope; attach the
244 voter identification portion to the outer envelope; and forward the sealed outer envelope to
245 the Canvass Board.
246

247 d. Questioned and absentee ballots shall be counted as follows: No questioned or absentee
248 ballot by mail shall be counted if the voter has failed to properly execute the certificate, if the
249 witness or the officer or other person authorized by law to administer the oath fails to affix his
250 signature, or if the voter fails to enclose his marked ballot inside the small envelope or
251 secrecy sleeve provided. No absentee ballot by electronic transmission shall be counted if the
252 voter has failed to properly execute the certificate, or if the witness or the officer or other

253 person authorized by law to administer the oath fails to affix his signature. The Clerk or a
254 member of the election Canvass Board may challenge the name of an absentee voter if he has
255 good reason to suspect that the voter is not qualified to vote, is disqualified, or has already
256 voted at the same election. The person making the **challenge** ~~questioned ballot~~ shall specify
257 the basis of the challenge for the record. The Canvass Board, by majority vote, may refuse to
258 accept the challenge and count the ballot of a person properly challenged. If the ballot is
259 refused, the Clerk shall notify the challenged voter by letter within four weeks of the canvass.
260 All rejected ballots shall be enclosed in a separate envelope and shall be labeled "rejected
261 ballots" retained with other materials of the election. If the ballot is not rejected, the large
262 envelope shall be opened, the small inner envelope or secrecy sleeve shall be placed in a
263 container and mixed with other blank absentee ballot envelopes, or in the case of counting
264 questioned ballots with other blank questioned ballot envelopes, the mixed small blank
265 envelopes or secrecy sleeves shall be drawn from the container, opened, and the ballots
266 counted according to the rules of determining properly marked ballots.

267

268 Section 10. Homer City Code 4.40.020 Runoff Election – Date and notice is hereby
269 amended as follows:

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271 4.40.020 Runoff election – Date and notice.

272 a. If a runoff election is required due to the outcome of a regular election, the runoff election
273 shall be held on the Tuesday after the first Monday in **December.** ~~November.~~ If a runoff
274 election is required due to the outcome of a special election, the runoff election shall be held
275 on the fourth Tuesday following the special election.

276

277 b. At least five days prior to the election, the City Clerk shall post notice of a runoff election in
278 three public places and publish it once in a newspaper of general circulation in the City. The
279 notice shall be in substantially the same form as the notice required for regular and special
280 elections set forth at HCC 4.01.050.

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282 Section 11. This ordinance shall take effect upon its adoption by the Homer City
283 Council.

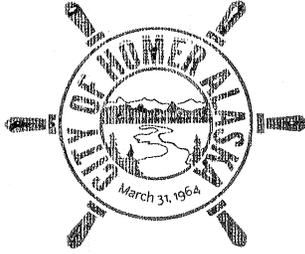
284

285 Section 12. This ordinance is of a permanent and general character and shall be
286 included in the City Code.

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288 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 9th day of March, 2026

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CITY OF HOMER

A handwritten signature in black ink, appearing to read "Rachel Lord", is written over a horizontal line.

RACHEL LORD, MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read "Amy Woodruff", is written over a horizontal line.

AMY WOODRUFF, CITY CLERK

YES: 4

NO: 0

ABSTAIN: 0

ABSENT: 2

Introduction: February 23, 2026

Public Hearing: March 09, 2026

Second Reading: March 09, 2026

Effective Date: March 10, 2026