

**PETERSBURG BOROUGH
ORDINANCE #2020-16**

**AN ORDINANCE AMENDING TITLE 2 (ELECTIONS) OF THE PETERSBURG
BOROUGH CODE TO PROVIDE FOR AN ELECTION BY MAIL AT THE
DISCRETION OF THE ASSEMBLY**

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 virus a pandemic; and

WHEREAS, numerous cases of COVID-19 within the State of Alaska have been identified, and the Borough Assembly declared a Declaration of Local Disaster Emergency in Petersburg on March 16, 2020; and

WHEREAS, this pandemic could be on-going for months, requiring social distancing and the avoidance of public gatherings; and

WHEREAS, this pandemic has the potential to disrupt the regular Borough election, which is held annually on the 1st Tuesday in October; and

WHEREAS, to ensure that the rights of voters are protected, it may be necessary for the Assembly to determine that holding the election by-mail is required to protect public health and safety; and

WHEREAS, an ordinance is necessary in order to provide the Assembly with the discretion necessary to address voting in the midst of this evolving public health crisis.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, Chapter 2.04, as set out below, is hereby amended by adding a new section 2.04.060.

Section 1. Classification: This ordinance is of a permanent nature and shall be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this ordinance is to permit the holding of a Borough election by mail, at the direction of the Assembly.

Section 3. Substantive Provisions: Chapter 2.04 of the Petersburg Borough Code titled Elections - General Provisions is hereby amended by adding a new section 2.04.060, entitled Elections by Mail, to read as follows:

A. The Assembly may, by motion, direct that the borough conduct an election by mail. Except as provided herein, procedures for the conduct of by-mail elections shall be as provided for regular and/or special elections.

B. In addition to the other requirements of the notice of election, as set out in PMC 2.12.020, the notice of election shall state,

1. that the election is to be conducted by mail and that there will be no precinct polling place open for regular in-person voting on election day;

2. the date by which ballots will be mailed to voters;
3. instructions to voters who will not be at their current mailing address when the ballots are to be mailed or who do not receive their ballot through the mail; and
4. an explanation of by-mail voting deadlines.

The notice of election shall be posted and published at least 45 days before the date of the election.

C. Upon receipt of the ballots from the provider, and prior to mailing, the borough clerk shall make the ballots available for inspection by any candidate whose name is on the ballot or by a candidate's authorized representative.

D. The borough clerk shall mail a ballot to each person whose name appears on the voter registration list prepared for that election. The ballot shall be sent to the address stated on the official registration list unless the voter has notified the Borough Clerk in writing of a different temporary address to which the ballot should be sent. The Clerk shall send ballots by first class, non-forwardable, mail, no more than twenty-nine (29) days and no less than twenty-two (22) days prior to the date of the election. Failure to mail ballots as prescribed in this section does not by itself provide a basis for an election contest or other legal challenge to the results of an election.

E. The borough clerk shall enclose a privacy envelope and a return envelope with each ballot. The return envelope shall have printed upon it (1) a voter declaration for the voter's signature, and (2) a voter witness affidavit. The ballot may be returned by mail, postage to be paid by the voter, or submitted by the voter by placement into a secure drop box to be provided. Additional specific instructions for voting a by-mail ballot shall be included with the ballot.

F. A voter may request a replacement ballot if the original ballot was destroyed, spoiled, lost, or for any other reason not received by the voter, by submitting a written request to the borough clerk, specifying the reason for requesting the replacement ballot. The clerk shall establish the procedures necessary to prevent a voter from voting twice in this situation. Additionally, any person that is not listed on the voter register who wishes to cast a ballot may vote a questioned ballot under PMC 2.34.060.

G. The notice of election shall be posted and published at least 45 days before the date of the election.

H. A qualified person who wishes to run for office as a write-in candidate under PMC 2.20.040 must file a letter of intent with the borough clerk by no later than 5:00 p.m. on the day preceding the clerk's mailing of the ballots under paragraph D above.

I. The borough shall appoint the election judges under PMC 2.24.010 on or before the date of the clerk's mailing of the ballots under paragraph D above.

J. Before placing any ballots in the ballot box, the borough clerk shall, in the presence of one or more election judges, open and exhibit the box to be used in the election to demonstrate that it is empty. The ballot box shall then be closed and shall not be opened again until 8:00 p.m. on election day.

K. To be counted, a by-mail ballot must be received ~~by~~ no later than 8:00 p.m. on election day or be postmarked no later than the date of the election. Ballots received after completion of the canvass shall be not be opened but shall be marked invalid with the date of receipt noted and held with other ballots in accordance the Borough's records retention policy.

L. Any qualified voter who may be unavoidably absent from the borough during the mail-in ballot voting period and cannot provide a temporary address, or who will be otherwise unable to vote and return a regular ballot by normal mail delivery within the period provided for regular ballots, may request to vote as an absentee voter, either by electronic transmission under PMC 2.38.045, ~~or~~ by emergency application under PMC 2.38.060, or by hand delivery of an absentee ballot. An absentee ballot may be requested no later than noon the day prior to election day.

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application of other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall be effective immediately upon adoption.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this _____ day of June, 2020.

Mark Jensen, Mayor

Attest:

Debra K. Thompson, Borough Clerk

Adopted:
Published:
Effective: