

CODE ORDINANCE

Sponsored by: Assemblymember Sumner
Introduced: 03/19/19
Public Hearing: 04/02/19
Adopted: 04/02/19

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 19-045**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 2.12.070(B), TO REFLECT A NOVEMBER ELECTION DATE; AND AMENDMENTS TO TITLE 25, ELECTIONS, TO CHANGE THE PROVISIONS OF WHEN THE ASSEMBLY ADOPTS BALLOT PROPOSITIONS FOR A MORE TIMELY MAILING OF THE ELECTION BROCHURE AND TO DELETE THE PROVISIONS FOR MAYORAL RUNOFF ELECTIONS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 2.12.070(B) is hereby amended to read as follows:

(B) Regular meetings of the Assembly shall be held on the first and third Tuesday of each month beginning at 6 p.m. in the Assembly chambers located at 350 East Dahlia Avenue, Palmer, Alaska, unless otherwise designated by the Assembly. A regular meeting of the Assembly may be canceled by the Assembly; however, if no quorum exists or there is an emergency, it may be canceled by the Mayor. No regular meeting shall be held on any holiday recognized by the borough, the **first Tuesday following the first Monday in November** [WEEK OF OCTOBER] (regular election day), the week of December

24th through January 1st (Christmas-New Year's), or the first week of July. All meetings and work sessions except for executive sessions shall be public meetings and shall be electronically recorded by the Clerk, unless the meeting is hosted by another municipality.

Section 3. Amendment of section. MSB 25.05.010, Definitions, is hereby amended to read as follows:

"Regular election" means the borough election held on the first Tuesday [OF OCTOBER] following the first Monday in November annually as required, unless a different date or interval of years is provided by ordinance.

[RUNOFF" MEANS ANY ELECTION HELD IF NO CANDIDATE RECIEVES MORE THAN 40 PERCENT OF THE VOTES CAST FOR THE OFFICE OF MAYOR.]

Section 4. Amendment of section. MSB 25.05.067, Propositions and Questions, is hereby amended to read as follows:

(A) An ordinance placing propositions and questions before the voters must be adopted not later than [60] 67 calendar days before a regular or [ELECTION OR 67 CALENDAR DAYS BEFORE A] special election.

Section 5. Amendment of section. MSB 25.05.120, Informational Brochures for Election, is hereby amended to read as follows:

(A) Not later than [15] 20 calendar days prior

to each regular or 15 calendar days prior to a special election, the Clerk shall prepare and mail one election brochure per registered voter household containing information approved by the Assembly pertaining to each proposition on the ballot, candidate information to include candidate's name, year of birth, Alaska residency, and a 100-word or less position statement by the candidate, sample ballots, and other general voting information.

Section 6. Deletion of section. MSB 25.05.045, Runoff Elections, is hereby deleted in its entirety:

[(A) RUNOFF ELECTIONS SHALL BE HELD ON THE FOURTH TUESDAY FOLLOWING THE ELECTION OR WITHIN THREE WEEKS AFTER THE DATE OF CERTIFICATION. A RUNOFF ELECTION SHALL NOT BE CONSIDERED A SPECIAL ELECTION WITHIN THE MEANING OF AS 29.71.800(21). DURING STATE ELECTION YEARS, RUNOFF ELECTIONS MAY BE HELD ON THE SEVENTH TUESDAY FOLLOWING THE ELECTION, OR WITHIN SIX WEEKS AFTER THE DATE OF CERTIFICATION IN THE INTEREST OF SECURING THE STATE'S VOTING EQUIPMENT FOR BOROUGH ELECTION USE.]

Section 7. Amendment of section. MSB 25.05.100, Simple Majority; Prohibition of Runoff Elections, is hereby amended to read as follows:

25.05.100 Simple Majority Elections [PROHIBITION ON RUNOFF ELECTIONS.]

(A) Each Borough office [,OTHER THAN THE OFFICE OF MAYOR,] shall be filled by the candidate receiving the greatest number of votes.

[(B) A RUNOFF ELECTION SHALL BE HELD IF NO CANDIDATE RECEIVES MORE THAN 40 PERCENT OF THE VOTES CAST FOR THE OFFICE OF MAYOR. THE RUNOFF ELECTION SHALL BE BETWEEN THE TWO CANDIDATES RECEIVING THE GREATEST NUMBER OF VOTES FOR THE OFFICE.]

Section 8. Amendment of section. MSB 25.20.020(A), (B) and (B)(1), Notice of Election, is hereby amended to read as follows:

(A) Notice of voter registration. The Clerk shall publish a notice of voter registration not less than 60 calendar days before each election [THAT IS NOT A RUNOFF ELECTION]. The notice shall include the qualifications required of voters, the deadline for registering to vote in the election, and places where voters may register.

(B) Notice and publication. The Clerk shall publish a notice of each election at least twice in one or more newspapers of general circulation in the

borough. The first publication shall occur at least 30 calendar days before a regular election and 20 calendar days before a special election [AND TEN CALENDAR DAYS BEFORE A RUNOFF ELECTION].

(1) the type of election, regular or special [OR RUNOFF];

Section 9. Amendment of section. MSB 25.20.050(A), Ballots; Distribution, is hereby amended to read as follows:

(A) The Clerk shall have ballots printed for each election which shall be in the Clerk's possession at least seven calendar days before each election. Early, absentee, and sample ballots shall be in the Clerk's possession 16 calendar days before a regular or special election [AND NINE CALENDAR DAYS BEFORE A RUNOFF ELECTION]. At that time, the ballots may be inspected by any candidate or the candidate's authorized agent, and any mistake discovered shall be immediately corrected.

Section 10. Amendment of section. MSB 25.25.051(A), Absentee Voting; In-person, is hereby amended to read as follows:

(A) Absentee voting in-person before an election official, including the Clerk, shall not begin prior to 15 calendar days before a regular or special election, [OR EIGHT CALENDAR DAYS BEFORE A RUNOFF ELECTION] up to and including the day of the election. The absentee voter

shall appear before an election official, provide their name, residence address, and voter identifier such as a voter number, social security number, or date of birth. The voter shall complete the required information and sign the certification on the ballot oath and affidavit envelope and have it witnessed by an election official. The voter shall receive an official ballot, mark the ballot in private, and place the ballot in a secrecy sleeve. The secrecy sleeve shall then be placed in the completed ballot oath and affidavit envelope and the envelope will be sealed. An election official shall deliver the voted absentee ballots to the Clerk. The Clerk shall deliver the voted absentee ballots to the canvass board for canvassing.

Section 11. Amendment of section. MSB 25.25.061(B), Special Needs Voting, is hereby amended to read as follows:

(B) The request for a special needs ballot may be made:

(1) To the borough Clerk on or after the fifteenth calendar day before a regular election or special election, [OR ON OR AFTER THE EIGHTH CALENDAR DAY BEFORE A RUNOFF ELECTION,] up to and including the day before the election;

Section 12. Amendment of section. MSB 25.26.010(A), Early Voting; In Person is hereby amended to read as follows:

(A) Early voting in person before an election official, including the Clerk, shall not begin prior to 15 calendar days before a regular election or special election [OR EIGHT CALENDAR DAYS BEFORE A RUNOFF ELECTION] and can run up to and including the day before the election. The Clerk shall determine the process for early voting to ensure the integrity of the election. The early voter shall appear before an election official and provide their name, residence address, and a voter identifier such as a voter number, social security number, or date of birth. The election official shall verify that the voter's residence address appears on the official registration list and is qualified to vote per MSB 25.10.005 and then require the voter to sign the early voting register. The signing of the register shall constitute a declaration that the voter is qualified to vote. When the voter has qualified to vote, an election official shall give the voter an official ballot and the voter shall mark the ballot in private. After the voter has marked the ballot, the voter shall place the ballot in the secrecy sleeve until depositing the ballot in the ballot box. The tabulation of early voting ballots shall

not begin before 8 p.m. on election day and shall be tabulated in accordance with MSB 25.35.081.

Section 13. Deletion of section. MSB 25.35.015(C), Write-in Votes, is hereby deleted in its entirety:


[(C) A PROVISION FOR WRITE-IN CANDIDATES SHALL NOT BE PROVIDED DURING A RUNOFF ELECTION.]

Section 14. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 2 day of April, 2019.


VERN HALTER, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, McKee, Leonard, Mayfield, Sumner, and Boeve