

SUBJECT: AMENDING MSB 25.35.080, COUNTING ABSENTEE BALLOTS, TO ADOPT POLICIES FOR THE CANVASS BOARD FOR ABSENTEE BALLOTS FOR THE SUBSEQUENT DEATH OF A VOTER

AGENDA OF: May 17, 2022

ASSEMBLY ACTION:

Adopted without objection
6-7-22 BON

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: MB

Route To:	Department/Individual	Initials	Remarks
	Originator	SP	
	Borough Attorney	MB	
	Borough Clerk	BON for IM	

ATTACHMENT(S) : Fiscal Note: YES ☐ NO ☒ X
Ordinance Serial No. 22-070 (pp)

SUMMARY STATEMENT: This legislation amends code to reflect absentee voters who have died after voting a ballot.

During the 2021 regular election, an absentee by mail voter, voted a ballot, signed and had their ballot envelope witnessed on October 20, 2021. The voter passed away on October 23, 2021. The envelope was postmarked on October 25, 2021, and the envelope was received in the Clerk's office on October 26, 2021. Not including Alaska, approximately 30 States have rules regarding the counting of absentee ballots after a subsequent death of a voter, the rules are divided 50/50 with approximately half that will accept and half that will reject the absentee ballot. After review of the ballot envelope and consulting with the Borough Attorney, the Canvass Board concluded that the voter had properly cast their ballot and the ballot was counted. Due to the question it is clear a rule is needed for the MSB. This code change would codify that should a voter pass away after they had properly cast a ballot, the ballot would count.

RECOMMENDATION OF ADMINISTRATION: Introduce and set to a public hearing.