

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

June 2, 2021 6:00 PM

Assembly Chambers/Zoom Webinar/FB Livestream

Meeting No. 2021-14 <https://juneau.zoom.us/j/93917915176> or 1-253-215-8782 Webinar ID:
939 1791 5176

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. AGENDA TOPICS

A. Ordinance for Introduction: Ordinance 2021-23 An Ordinance Amending the Elections Code for City and Borough of Juneau Municipal Elections

This ordinance would amend the CBJ Elections Code 29 for housekeeping purposes as well as codifying the change to no longer require a witness signature on a by mail return ballot envelope. To ensure voter identification and security, this amendment would also require the voter to add one personal identifier on the return ballot envelope and provide for greater security of the voter's signature and identification by requiring a privacy flap over those portion of the return ballot envelope.

Housekeeping changes to the code provide for consistency of language between the code sections pertaining to by mail elections and other forms of election as well as some minor language updates to reflect the terms and methods used in the twenty-first century.

The Assembly Human Resources Committee discussed these changes at its May 24, 2021 meeting and directed staff to draft this ordinance for Assembly consideration.

The City Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.

V. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

Presented by: HRC
Presented: 06/02/2021
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-23

An Ordinance Amending the Elections Code for City and Borough of Juneau Municipal Elections.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

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

Section 2. Amendment of Section. CBJ 29.07.100 Absentee voting procedure, is amended as follows:

29.07.100 Absentee voting procedure.

(a) The election official shall provide ballots for use as absentee ballots at least 15 days prior to the election. The election official shall issue rules and instructions to absentee voters to aid them in casting their ballots. The election official shall prescribe the form of and prepare the voter's certificate, envelopes, and other materials used in absentee voting. The election official shall enclose a privacy envelope and a return envelope to each absentee voter. The return envelope shall have printed upon it a certification by which the voter shall place the voter's signature declaring that the voter is a qualified voter, that the voter has not voted in any other manner in this election, and a space for the voter to include at least one personal identifier. The return envelope shall include a place for recording the date the envelope was sealed and be manufactured in such a way that the voter's signature and personal identifiers are concealed

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2 ~~once the voter has signed and sealed the envelope. The voter's certificate shall include an oath,~~
3 ~~that the voter is a qualified voter, a blank for the voter's signature, a certification that the~~
4 ~~affiant properly executed the marking of the ballot and gave the voter's identity, blanks for~~
5 ~~the attesting official or witness, and a place for recording the date the envelope was sealed~~
6 ~~and witnessed.~~

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8 (b) The application for an absentee ballot shall show the applicant's place of residence, clearly
9 indicate the applicant's right to an absentee ballot, and be signed by the applicant.

10 (1) ~~*Absentee application for voting Application*~~ *by mail.* Beginning on January 1 of each
11 election year, a qualified voter may in person, ~~or~~ by mail, ~~or~~ by facsimile machine, **or by**
12 **electronic transmission**, file a written application for an absentee ballot by mail with
13 the election official. A complete application for a by mail ballot must be received in the
14 office of the election official not less than seven days before the election for which the
15 absentee ballot is sought in order for the absentee ballot to be counted. If a voter fails to
16 provide a specific ballot mailing address on an absentee by mail ballot application, the
17 ballot will be mailed to the mailing address on the voter's record, or, if no address is
18 provided, to the fax, e-mail, or other electronic transmission acceptable to the election
19 official.
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21 (2) ~~*Absentee application for voting Application*~~ *by fax* **or electronic transmission**. A
22 qualified voter who has submitted an application for an absentee ballot may vote by fax
23 **or electronic transmission** beginning the day the ballots are available from the
24 election official and through the close of the polls on election day. The voter must submit
25 a written and complete application for a fax **or electronic transmission** ballot to the
election official's office no later than 5:00 p.m. the day before election day in order for the

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2 absentee ballot to be counted. An absentee ballot that is completed and returned by the
3 voter by fax or electronic transmission must contain the following statement: "I
4 understand that by using fax or electronic transmission to return my marked ballot, I
5 am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to
6 process my ballot, but expect that my vote will be held as confidential as possible."

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8 (3) *Absentee voting in person.* A qualified voter may vote absentee in person on or after
9 the day the ballots are available from the election official up to and including the election
10 day, in a location and at places and times determined by the election official.

11 (4) *Early voting.* A qualified voter may vote early, as soon as the ballots are available
12 from the election official up to and including election day, in a location and at places and
13 times determined by the election official.

14 (5) *Absentee voting by personal representative.* A qualified voter who is unable to go to
15 the polling place or vote center on election day due to age, illness or disability, may
16 appoint a personal representative to obtain a ballot for the voter on or after the 15th day
17 before an election, up to and including election day.
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20 **Section 3. Amendment of Section.** CBJ 29.07.280 Review of election returns, is
21 amended as follows:

22 **29.07.280 Review of election returns.**

23 (a) Beginning on the first Friday after each election, absentee ~~or by mail~~ ballots not
24 previously counted and questioned ballots, which the ballot review board and election official
25 determines should be counted, shall be counted. For by-mail elections, the election
official will continue to process ballots until the review of the election returns by

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2 **the canvass review board.** The election official and such assistants as may be appointed by
3 the election official shall count such ballots in accordance with the voting systems determined
4 for use in an election.

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8 **Section 4. Amendment of Section.** CBJ 29.07.350 Definitions, is amended to
9 include the following definition as follows:

10 **29.07.350 Definitions.**

11 ...

12 **Personal Identifiers as used in this chapter, shall include the following: voter**
13 **registration identification number, the last four digits of the voter's social security**
14 **number, the voter's date of birth, or the voter's Alaska driver's license number.**

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18 **Section 5. Amendment of Section.** CBJ 29.07.360 Elections by mail, is amended as
19 follows:

20 **29.07.360 Elections by mail.**

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22 (d) The election official shall enclose a privacy envelope and a return envelope to each by-
23 mail voter. The return envelope shall have printed upon it ~~an affidavit~~ **a certification** by
24 which the voter shall declare the voter's ~~his or her~~ qualifications to vote, ~~followed by provision~~
25 ~~for attestation by a person qualified to administer oaths or one attesting witness who is at~~
~~least 18 years of age that~~ the voter ~~he or she~~ has not voted in any other manner in this

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 2 election, and a space for the voter to include at least one personal identifier. The
 3 return envelope shall include a place for recording the date the envelope was sealed
 4 and shall conceal the voter’s signature and personal identifier once the voter has
 5 signed and sealed the envelope. Specific instructions for voting a by-mail ballot and a list
 6 of the vote center(s) and hours shall be included with the ballot.
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 10 **Section 6. Amendment of Section.** CBJ 29.07.370 Alteration of election procedures
 11 for elections by mail, is amended as follows:

12 **29.07.370 Alteration of election procedures for elections by mail.**

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14 (e) *Ballot review procedure.* The ballot review board shall examine each ballot envelope and
 15 shall determine whether the voter is a qualified voter as required under CBJ Charter Section
 16 6.3 and whether the ballot has been properly cast under election policies established for the
 17 review and counting of by-mail ballots. The ballot review board may begin reviewing and
 18 processing by-mail ballots prior to election day as part of the election review process to
 19 prepare them for counting. The counting of ballots will not begin until after 8:00 p.m. on
 20 election day. The following standards shall guide the election policies:
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22 (1) A by-mail ballot shall not be counted if:

- 23 (i) The voter failed to properly execute the certification on the envelope with a
- 24 valid signature and personal identifier or the voter's signature and
- 25 personal identifier cannot be validated in accordance with the process
- set out in section (3) below; or

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- (ii) ~~Reserved. The witness authorized by law to attest the voter's certificate failed to properly execute the witness certificate on the envelope, except that a ballot cast in person and accepted by an election official may be counted despite failure of the election official to properly sign and date the witness' declaration; or~~
- (iii) The ballot return envelope, if mailed, is received after election day, has no postmark, and USPS cannot verify the ballot return envelope was mailed on or before election day; or
- (iv) The ballot return envelope is not received before the beginning of the canvass review board review process; or
- (v) The voter has already voted in the election.

(2) A by-mail ballot shall be counted if:

- (i) The voter properly executed the certification on the envelope with a valid signature **and personal identifier** as verified in accordance with the process set out in section (3) below; and
- (ii) ~~Reserved. The witness authorized by law to attest the voter's certificate properly executed the witness certificate on the envelope; and~~
- (iii) The ballot return envelope was received at a voter center or deposited in a ballot drop box no later than 8:00 p.m. on election day; or
- (iv) The ballot return envelope, if mailed, was postmarked or the USPS can verify that the ballot return envelope was mailed on or before election day; and

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(v) The ballot return envelope was received before the beginning of the canvass review board review process;

(3) Signature verification process:

(i) The voter’s signature **and personal identifier** on the ballot certification must be compared with the signature(s) **and personal identifiers** in the voter's voter registration file(s) using the standards established in the election policies developed under CBJ 29.07.350.

...

Section 7. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2021.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk