

An Ordinance of the Haines Borough amending Haines Borough Code Sections 11.36.010-020 to Allow Notification of Permanent Absentee Voters and Absentee Voting by Electronic Mail (Email).

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Sections 11.36.010-020. Sections 11.36.010 and Section 11.36.020 of the Haines Borough Code are hereby amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

Chapter 11.36 Absentee Voting

11.36.010 Absentee voting – Eligible persons – Permanent absentee voters.

A. At any election, a qualified voter may vote an absentee ballot for any reason.

B. The borough clerk may designate a person as a permanent absentee voter if the person is a qualified voter, and if the voter is registered with the State of Alaska Division of Elections as a permanent absentee voter within the borough.

C. A person designated as a permanent absentee voter under subsection (B) of this section will be sent an application for an absentee-by-mail ballot at the permanent mailing address stated on the voter's current registration record, **unless an email address has been provided by the permanent absentee voter. If an email address has been provided by the voter, the application for an absentee-by mail ballot may be emailed rather than being sent to their permanent mailing address. The application shall be sent by the Clerk** on the following schedule:

1. ~~In January each year;~~ **At least 60 days before each election**
2. ~~At least 45 days before a special election;~~

3. At a time specified by the borough clerk before any election, to voters defined in subsection (A) of this section who registered to vote after the last mailing of absentee-by-mail ballot applications.

D. The voter may submit the application and vote by mail, **fax or email**. However, nothing in this section limits the voter's eligibility to vote in person at a precinct, in person before an absentee voting official, or absentee through a personal representative.

11.36.020 Absentee Voting Procedure

A. The application for an absentee ballot shall show the applicant's place of residence, clearly indicate the applicant's right to an absentee ballot, state the election date, and be signed by the applicant.

1. Application for Absentee-by-Mail Ballot. Beginning on January 1st of each election year, a qualified voter entitled to cast an absentee ballot may, in person or by mail, electronic

mail, or by facsimile machine, file a written, signed application for an absentee-by-mail ballot with the borough clerk. Application for a by-mail ballot must be received in the office of the borough clerk not less than 10 days before the election for which the absentee ballot is sought. If a voter fails to provide a specific ballot mailing address on an absentee-by-mail ballot application, the ballot will be mailed to the mailing address on the voter's record.

2. Application for Absentee-by-Fax Ballot. A qualified voter may vote by fax beginning 15 days before and through the close of the polls on election day. The voter must submit a written, signed application for a fax ballot to the borough clerk's office no later than 5:00 p.m. the day before election day. An absentee ballot that is completed and returned by the voter by fax must contain the following statement:

I understand that by using fax transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.

3. Application for Absentee-by-Electronic Mail (Email) Ballot. A qualified voter may vote by electronic mail (email) beginning 15 days before and through the close of the polls on election day provided that the voter has submitted a written, signed application for an email ballot to the borough clerk's office no later than 5:00 p.m. the day before election day (an optional form is available). An absentee ballot that is completed and returned by the voter by email must contain the following statement (which is contained on the optional form):

I understand that by using email to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.

3 4. Absentee Voting in Person and Early Voting. A qualified voter may vote early or absentee-in-person on or after the 15th fifteenth-day before an election up to and through the day before election day, in a location and at places and times determined by the borough clerk.

4 5. Absentee Voting by Personal Representative. A qualified voter who is unable to go to the polling place on election day due to age, illness or disability may appoint a personal representative to obtain a ballot for the voter on or after the 15th ~~fifteenth~~ day before an election, up to and including election day.

B. Upon timely receipt of an application for an absentee ballot, the borough clerk or other election official shall deliver to the applicant personally, or by mail at the mailing address given in the application, or by fax to the fax number listed on the application, **or by email to the email address provided**, or to the voter's personal representative, if application is made by a personal representative, an official ballot for the election, and if required, a secrecy sleeve and an addressed return envelope.

C. The borough clerk shall provide ballots for use as absentee ballots. The borough clerk shall issue rules and instructions to absentee voters to aid them in casting their ballots. The borough clerk shall prescribe the form of and prepare the voter's certificate, envelopes, and other materials used in absentee voting. The voter's certificate shall include an oath that the voter is a qualified voter, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and gave the voter's identity, blanks for the attesting official or witness, and a place for recording the date the envelope was sealed and witnessed.

D. Upon issuing an absentee ballot, the borough clerk shall record the date of delivering, **emailing** or mailing the ballot.

E. Any voter issued an absentee ballot may, at any time prior to the closing of the polls on the day of the election for which it is issued, appear at the office of the borough clerk, or such other place as the borough clerk may designate, and there cast a ballot in the following manner: The voter first shall show the borough clerk or other election official that the ballot has not been

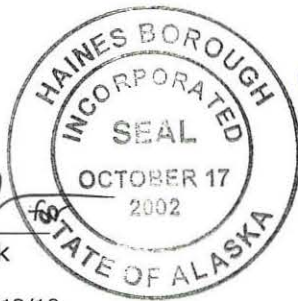
marked, then shall mark the ballot, as indicated by the instructions on the ballot, in the presence of the borough clerk or other election official, in such a manner that the borough clerk or election official cannot see how it is marked. The borough clerk or other election official shall secure the ballot and deliver it to the appropriate place for counting.

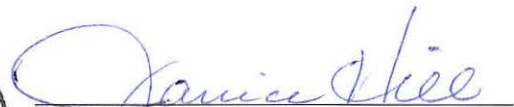
F. At any time on or before the day of the election, any voter issued an absentee ballot may appear before any person authorized by law to administer oaths, and in the presence of such officer cast the voter's ballot in the same manner the voter would cast it under this section in the office of the borough clerk or other place designated under this section. After executing the affidavit printed on the return envelope, the officer shall return the envelope to the voter who shall mail **or deliver** it to the borough clerk.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 13TH DAY OF MARCH, 2018.

ATTEST:


Julie Cozzi, MMC, Borough Clerk




Janice Hill, Mayor

Date Introduced: 02/13/18
Date of First Public Hearing: 02/27/18
Date of Second Public Hearing: 03/13/18