

Title 3

ELECTIONS

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For statutory provisions concerning municipal elections, see AS 29.26. For provisions concerning elections in general, see AS 15. For provisions concerning initiative, referendum and recall, see AS 29.26.

ELECTIONS
CHAPTER 3.50
ABSENTEE VOTING**§ 3.50.010. Eligibility.**

Any qualified voter may vote an absentee ballot ~~for the precinct in which he resides and is registered:~~

~~A. If he believes he will be unavoidably absent from her/his voting precinct on election day. Before delivering a ballot, the city clerk City Clerk will satisfy himself/herself of the applicant's right to an absent voter's ballot shall determine that the applicant is eligible to receive an absentee ballot pursuant to Section 3.10.020; or~~

~~B. If she/he will be unable to be present at the polls because of physical a disability, illness, or language barrier. (Ord. 86-9 § 1, 1986)~~

§ 3.50.020. Public notice.

The ~~city clerk~~ City Clerk shall give public notice of the absentee voting provisions pursuant to Section 3.10.080.
(Ord. 86-9 § 1, 1986)

~~§ 3.50.030. Preparation of ballots and other materials.~~

~~A. The city clerk City Clerk shall provide ballots for use as absentee ballots for all precincts and shall provide a small blank envelope in which the voter shall initially place the marked ballot, and shall provide a larger envelope with the prescribed voter certificate on the back in which the smaller envelope with the ballot enclosed shall be placed. The clerk shall also provide a larger return mail envelope for the voter to use in mailing her/his voted ballot.~~

~~B. The city clerk City Clerk shall provide with each absentee ballot clearly written instructions on proper procedures for the absentee voter to follow in voting and returning his/her the ballot.
(Ord. 86-9 § 1, 1986)~~

~~§ 3.50.040. Form of identification envelope.~~

~~The identification envelope and return pre-addressed envelope provided to the voter will be of such form, size and weight as prescribed by the city clerk. The identification envelope will have printed on its face an affidavit substantially as follows:~~

"I _____, am a resident of and a voter in the City of Dillingham,
(printed name)

~~Alaska, qualified to vote in city elections pursuant to § 3.10.020 of the Dillingham Municipal Code. I am unable to present myself at the polls on election day due to my unavoidable absence or because of a physical disability. I hereby enclose my ballot for the regular/special election to be held on _____, 20_____.~~

(voter signature)

(seal)

Residence address within city

~~SUBSCRIBED AND SWORN before me, this ____ day of ____, 20____ at ____ m. (note time zone). I hereby certify that in my presence this affiant enclosed said ballot and handed me this envelope sealed; that he signed this affidavit and I acknowledged the same, all in accordance with the law.~~

Official's signature
(or witness over 18 yrs.)

(seal)

Title of Officer
(or 2nd witness over 18 yrs.)

~~NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the city clerk of the City of Dillingham, you must immediately return it by mail, postage prepaid, to the City Clerk, P.O. Box 889.~~

~~MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY CANVASSING COMMITTEE"~~

3.50.040 – Absentee Ballot Forms and Materials.

A. "At any election, a qualified voter may vote an absentee ballot for any reason." The City Clerk shall prescribe the form and content of absentee ballot applications, voter certificates, representative certificates, identification envelopes, secrecy envelopes, return envelopes, instructions, registers, and other administrative forms necessary to administer this chapter.

B. The forms prescribed by the City Clerk shall be consistent with this title, Title 29, and other applicable state and federal law.

C. The City Clerk may revise administrative forms and instructions as necessary to improve election administration, accessibility, security, or compliance with changes in applicable law, provided such revisions do not alter the substantive requirements established by this title.

~~(Ord. 86-9 § 1, 1986)~~

§ 3.50.050. Absentee voting in person.

- A. A qualified voter may apply in person for an absentee ballot at the office of the ~~city clerk~~ **City Clerk** during regular office hours on or after the fifteenth day before an election, up to and including the day before the election.
- B. On receipt of any absentee ballot in person, the voter shall proceed to mark the ballot in secret, to place the ballot in the ~~small envelope~~ **secrecy sleeve**, ~~to place the small envelope~~ **secrecy sleeve** in the ~~larger ballot~~ envelope **that bears the name of the voter. The voter must sign and date the voter's certificate** in the presence of the election official who shall sign as attesting official and note the date of **the official's** ~~his/her~~ signature. ~~The election official shall then accept the ballot. The voter shall deposit the ballot envelope in the ballot box in the presence of the election official. Absentee ballots shall remain in the election official's custody and shall be delivered to the City Clerk as directed by the City Clerk. The City Clerk may serve as the election official for Absentee Voting.~~

- C. The election official may not accept a marked ballot that has been exhibited by an absentee voter with intent to influence other voters. If the absentee voter improperly marks or otherwise damages a ballot, the voter may request, and the election official shall provide, him or her with another ballot up to a maximum of three. Exhibited, improperly marked or damaged ballots shall be destroyed. The numbers of all ballots destroyed shall be noted on the ballot statement. The clerk shall keep a record of the names and the signatures of the voters who cast absentee ballots in person and the dates on which the ballots were cast.
(Ord. 86-9 § 1, 1986)

§ 3.50.060. ~~Absentee voting by personal representative.~~

- A. ~~A qualified voter who has a language barrier or is physically disabled may apply for an absentee ballot through a personal representative, to the city clerk, on or after the fifteenth day before an election, up to and including the day of the election.~~
- B. ~~Upon receipt of a written application by personal representative, the election official authorized to issue the absentee ballot shall provide the ballot and other absentee voting material to the personal representative if the written application is signed by the applicant and is accompanied by a letter from a licensed physician, or a statement signed by two qualified voters stating that the applicant will be unable to go to the polling place because of physical disability.~~
- C. ~~The personal representative shall deliver the absentee ballot to the voter as soon as practicable. Upon receipt of an absentee ballot through a personal representative, the voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope and to sign the voter certificate on the envelope in the presence of the personal representative, who shall witness and date the signature of the voter. The voter must mark the ballot and sign the voter's certification not later than election day. The voter shall then return the absentee ballot to the personal representative who shall deliver the ballot to the clerk. The absentee ballot must be returned to the clerk not later than eight p.m. on election day.~~
- D. ~~The clerk shall keep a record of the name and signature of each personal representative requesting an absentee ballot and the name of the person on whose behalf the ballot is requested. The clerk shall record the date and time the absentee ballot is provided and the time the ballot is returned to the clerk's office.~~
- E. ~~A candidate for office at that election may not act as a personal representative.~~
(Ord. 86-9 § 1, 1986)

3.50.060 Absentee Voting Through a Personal Representative

A. Eligibility.

A qualified voter who is unable to vote in person because of a disability, illness, or language barrier may vote an absentee ballot through a personal representative.

B. Request for Ballot.

The voter, or the voter's designated personal representative acting on behalf of the voter, may request an absentee ballot from the City Clerk or an election official authorized to issue absentee ballots.

The request shall be made on a form prescribed by the City Clerk and shall be signed by the Personal Representative. No person who is a candidate for office at the election, an immediate family member of the candidate, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union may act as a representative for the voter.

C. Issuance of Ballot.

Upon receipt of an application signed by the personal representative, the City Clerk or election official shall issue the absentee ballot and related voting materials to the personal representative.

Before receiving the absentee ballot and voting materials, the personal representative shall complete and sign the representative certificate and receipt register prescribed by the City Clerk.

D. Delivery to the Voter.

The personal representative shall deliver the absentee ballot and voting materials to the voter as soon as practicable.

E. Completion of Ballot.

The voter shall:

- 1. mark the ballot in secret;**
- 2. complete the voter certificate;**
- 3. sign the return envelope.**

The personal representative shall witness the voter's signature by completing the representative certificate prescribed by the City Clerk.

F. Assistance to Voter.

The personal representative may assist the voter in completing the ballot package, including performing mechanical acts that the voter is physically unable to perform, at the voter's express direction and in accordance with procedures prescribed by the City Clerk.

A personal representative may not:

- 1. make the voter's decisions;**
- 2. influence or coerce the voter;**
- 3. disclose the voter's ballot; or**
- 4. falsely execute the voter certificate or make any certification not authorized by the voter.**

G. Return of Ballot.

The personal representative shall promptly return the sealed ballot envelope to the City Clerk or other election official authorized to receive absentee ballots, not later than 8:00 p.m. Election Day.

An absentee ballot returned by a personal representative may not be counted unless:

- 1. the voter certificate has been completed and signed by the voter; and**
- 2. the representative certificate has been completed and signed by the personal representative as witness.**

H. Administrative Forms.

Applications, certificates, envelopes, registers, instructions, and administrative procedures used under this section shall be prescribed by the City Clerk pursuant to DMC 3.10.015 and DMC 3.50.040.

§ 3.50.070. ~~Absentee voting by mail.~~

~~A. A qualified voter may apply by mail to the city clerk for an absentee ballot. The application shall include the address to which the absentee ballot is to be returned, the applicant's full Alaska residence address and the applicant's signature.~~

~~B. An application for an absentee ballot by mail must be received at least ten days prior to the election for which the absentee ballot is sought.~~

~~C. After receipt of an application by mail, the clerk shall send the absentee ballot and other~~

~~absentee voting materials to the applicant by certified mail. The materials shall be sent as soon as they are ready for distribution. The return envelope sent with the materials shall be pre-addressed to the city clerk.~~

~~D. Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public; commissioned officer of the armed forces, including the National Guard; district judge or magistrate; United States postal official; or other person qualified to administer oath, may proceed to mark the ballot in secret, to place the ballot in the small blank envelope, to place the small envelope in the larger envelope in the presence of an official, and shall date his/ her signature. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall have the ballot witnessed by two persons over the age of eighteen.~~

~~E. An absentee ballot must be marked and attested on or before the date of the election. If the voter returns the ballot by mail, he shall use at least equal to first class mail service and mail the ballot not later than the day of the election to the city clerk. If the ballot is postmarked, it must be postmarked on or before election day.~~

~~F. To be counted in the election, an absentee ballot must be postmarked by midnight of election day and received by the clerk before the date and hour of the canvass. Ballot envelopes received after that time shall not be opened but shall be marked "invalid" with the date and hour of receipt noted thereon and shall be preserved for one year with other ballots of the election.~~

~~G. The clerk may require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of his/her identity.~~

~~H. The clerk shall maintain a record of the name of each voter to whom an absentee ballot is sent by mail. The record must list the date on which the ballot is mailed and the date on which the ballot is received by the clerk.~~

~~(Ord. 2009-08 § 2, 2009; Ord. 86-9 § 1, 1986)~~

3.50.070 Absentee Voting by Mail.

A. Application.

A qualified voter may apply to the City Clerk for an absentee by mail ballot to be mailed to the voter. The application shall include the address to which the absentee ballot is to be sent, the applicant's residence address, and the applicant's signature.

To the extent authorized by applicable law, the City Clerk may accept absentee ballot applications by electronic transmission or other methods prescribed by administrative procedures.

B. Deadline for Application.

An application for an absentee ballot by mail must be requested not earlier than the first of the year in which the election is to be held and not later than ten (10) days before the election.

C. Issuance of Ballot.

Upon timely receipt of a completed by-mail ballot application, the City Clerk shall send the absentee ballot and related voting materials to the applicant by first-class mail. The City Clerk may use another mailing or delivery method determined by the City Clerk that provides reasonable assurance of delivery.

The ballot package shall be mailed or otherwise distributed as soon as practicable after absentee ballots become available.

D. Voting Procedure.

A voter who applies and receives an absentee by-mail ballot may vote the ballot at any time on or before the day of the election. Upon receipt of the absentee by mail ballot, the voter shall:

1. mark the ballot in secret;
2. place the ballot in the secrecy envelope, if provided;
3. place the secrecy envelope in the return envelope;
4. complete the voter certificate; and
5. execute the voter certificate in accordance with this title and the absentee ballot materials prescribed by the City Clerk.

Where required by this title or by administrative procedures prescribed by the City Clerk, the voter shall obtain any required witness or official certification before returning the ballot.

E. Return of Ballot.

The voter shall return the completed absentee ballot by mail or another delivery method authorized by the City Clerk.

If hand delivered to an election official, the ballot must be received no later than 8:00 p.m. Election Day.

If returned by mail, the ballot shall be mailed not later than Election Day using first-class mail or equivalent service.

If the ballot is mailed, it must be postmarked on or before Election Day.

F. Counting of Ballots.

To be counted, an absentee ballot returned by mail must be postmarked not later than Election Day and received by the City Clerk before the time established for the canvass of the election.

Ballot envelopes received after that time shall not be opened. The City Clerk shall mark the envelope "Invalid," record the date and time received, and preserve the envelope with the election records in accordance with the City's records retention requirements.

G. Identification.

The City Clerk shall require an absentee voter to provide proof of identity or other information reasonably necessary to verify the voter's identity.

H. Record of Ballots.

The City Clerk shall maintain a record of each absentee ballot issued by mail, including:

1. the name of the voter;
2. the date the ballot was issued or mailed;
3. the date the ballot was returned; and
4. any other information reasonably necessary to document the issuance and return of absentee ballots.

I. Administrative Forms.

Applications, certificates, envelopes, instructions, and other administrative forms used under this section shall be prescribed by the City Clerk pursuant to DMC 3.10.015 and DMC 3.50.040.

§ 3.50.080. List of absentee voters.

~~The clerk and election officials shall have available for public inspection the names and addresses of persons who voted absentee.~~ Before opening the polls on Election Day, or as soon as practicable thereafter ~~the election~~, the City Clerk ~~clerk~~ will supply the ~~election Judges~~ Election Officials the precinct register provided by the State of Alaska with the voters who were issued ballots under this section flagged or marked in another way. Should the State no longer issue paper precinct registers, this requirement will no longer apply.

(Ord. 86-9 § 1, 1986)

§ 3.50.090. Surrender of absentee ballot.

~~If an absentee voter returns to his/her voting precinct on Election Day, he will not be allowed~~

~~to vote until he surrenders the absent voter's ballot and any other related supplies. The election
Judges — Election Officials shall return the unused absent voter's ballot with the unused ballots.
(Ord. 86-9 § 1, 1986)~~