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TO: Deputy Mayor Gladziszewski and Assembly Committee of the Whole

DATE: April 21, 2023

FROM: Beth McEwen, Municipal Clerk/Election Official

RE: Ordinance 2023-24vCOW Election Code Changes

At the January 30, 2023 Regular Assembly meeting, the Assembly directed staff to draft an ordinance which would make by mail elections the default for all CBJ elections going forward unless called for differently by the Assembly. Since that is a paradigm shift in the default method by which we conduct elections, it also required an overhaul of our current election code. The draft Ordinance 2023-24vCOW streamlines the election code by moving by mail election sections 29.07.360 and 29.07.370 into the main body of the election code. It also provides clarity of language and codifies some of the past practices that have been in our policies and procedures into the code to enhance election transparency.

This memo provides a sectional overview of the changes along with a brief explanation for the substantive changes. For clarity in this memo, Current Code sections will be referred to as **CC + section number** (example **CC29.07.010** Election times; notice) and the code sections referenced in Ordinance 2023-24 will be referred to by Draft Code **DC+section number** (example **DC29.07.010** Election times; notice).

Section DC29.07.010 Election times; notice.

- This adds a new section DC29.07.010 (a) that calls for all elections to be conducted by mail unless otherwise directed by the Assembly. Subsequent sections renumbered.
- This section change combines the language from CC29.07.360 with that found in CC29.07.010. The revised language clarifies all methods of voting, election hours and specifies how those are to appear in the Notice of Election.
- Special Note: CBJ Charter 6.1 and 6.2, along with this CC29.07.010, require the Notice of Election to be published in a newspaper of general circulation. With the announced changes to the Juneau Empire printing schedule, we will be interpreting “publication in a newspaper of general circulation” to be sufficient if published in the online e-edition. As a matter of practice, we will endeavor to target the largest audience possibly by publishing the notices of election in those editions of the newspaper that will also be printed in hardcopy.

Section DC29.07.020 Election officials.

- The language in DC29.07.020 (a)(1) regarding contracting is based on CC29.07.220 and adds the term “or contractor” to this section on line 11 of page 4.
- The language in DC29.07.020 (a)(2) is moving CC29.07.370(a)(2) up to this section and replaces that found in CC29.07.020(d).
- DC29.07.020(b) and (c) modifies the election worker staffing structures to meet the needs of elections conducted by mail with provisions for polling precinct elections when necessary.

Section DC29.07.030 ~~Voting precincts~~ Precinct Boundaries.

- DC29.07.030(a) sets the Precinct boundaries based on the boundaries identified in CBJ Code 11.10.030. (Ordinance 2023-25, also in this COW packet will be up for Assembly consideration to change the current CBJ District Boundaries.)
- DC29.07.030(b) adds vote centers to the CC29.07.030(b) language.

Section DC29.07.040 Candidate districts.

- This new language provides clarity when there are more than two candidates or more than two vacant seats in a race.

Section DC29.07.050 Candidates; nomination; write-in.

- DC29.07.050 combines CC29.07.050 with CC29.07.370 language.
- DC29.07.050(d) clarifies that the full nominating petition packet (consisting of the Declaration of Candidacy, Nominating Petition, and Alaska Public Offices Commission Public Official Financial Disclosure statement), and not just the nominating petition, have to be submitted before the end of the candidate filing period at 4:30p.m. on the 71st day before election day. Only when all packet materials are submitted and deemed sufficient, can the Election Official certify a candidate as qualified to appear on the ballot.

Section DC29.07.055 Official candidate statement.

- DC29.07.055 combines CC29.07.055 with the timing set out in CC29.07.370 and includes minor changes to some of the candidate statement categories for clarity.

Section DC29.07.060 Ballots; form.

- DC29.07.060 provides clarity on the criteria upon which candidates’ names will be placed on the ballot.

Section DC29.07.070 Ballots; preparation and distribution.

- DC29.07.070 combines CC29.07.070 with CC29.07.360 language and codifies the chain of custody practices that are already followed in the election policies and procedures.

Section DC29.07.080 Election materials; preparation and distribution.

- CC29.07.080 requires instructions to be provided to voters on large printed cards (or posters). DC29.07.080 widens the display of voter instructions to include those used via audio or visual methods on the electronic marking devices for ADA purposes.
- This section further clarifies that the close of the ballot drop boxes will take place at 8:00p.m. on Election Day.

Section DC29.07.090 Absentee voting; eligible persons; permanent absentee voters.

- DC29.07.090 provides for the timing and means by which voters on the State of Alaska Division of Election Permanent Absentee Voters list are sent an application for a ballot in the event an election is held as a poll-based election rather than a by mail election.

Section DC29.07.100 ~~Absentee~~ Voting procedure.

- CC29.07.100 is replaced by the language in CC29.07.360(e) and that becomes the new DC29.07.100 section.

Section DC29.07.110 ~~Absentee election officials.~~ Reserved.

- CC29.07.110 language is no longer necessary as these duties are performed by election workers identified in DC29.07.020.

29.07.120 ~~Voting procedure.~~Vote center, ballot drop boxes, and polling place, procedures.

- DC29.07.120 combines CC29.07.120 with CC29.07.360 language and codifies the manner in which spoiled ballots are handled to ensure ballot accountability.

Section DC29.07.130 Unused ballots.

- DC29.07.130 codifies the policies and procedures for unused ballots from vote centers or polling places after the close of the polls on election day to ensure all ballots are accounted for in accordance with chain of custody protocols.

Section DC29.07.140 ~~Spoiled ballots.~~ Reserved.

- CC29.07.140 language is actually referring to an over-voted race rather than a spoiled ballot. This deletes that language and reserves this section. DC29.07.160 “General procedures for ballot count” now provides the criteria under which the markings on a ballot are to be counted.

Section DC29.07.150 ~~General procedures for ballot count.~~Ballot envelope review and signature verification.

- DC29.07.150 combines CC29.07.150 language with that in CC29.07.370.
- DC29.07.150(3)(C) language was included at the request of the 2022 Canvass Review Board members after having to reject some of the ballots in the last election due to “fuzzy match” number issues. The fuzzy match practice is followed by the State of Alaska as well as the Municipality of Anchorage and provides that a ballot would be eligible to be counted if one of the digits on their personal identifier had been transposed but all other eligibility criteria, including a signature match, was met.
- When a ballot envelope does not meet the eligibility requirements, it goes through a ballot cure process, which is currently set out in the election policies and procedures. DC29.07.150(E) codifies that the policies and procedures established in accordance with DC29.07.250 are where those cure processes are to be found.

Section DC29.07.160 General procedures for ballot count.

- DC29.07.160 codifies the current policies and procedures based on those used by the Municipality of Anchorage. These are the procedures that we have followed since we

began conducting by mail elections in partnership with the Municipality of Anchorage Election team in 2020.

Section DC29.07.16070 Delivery of ballots and other election material.

- Since we are creating a new section DC29.07.160 above to codify our current policies and procedures for ballot count, we are renumbering this section. CC29.07.160 language for Delivery of ballots and other election material is now DC29.07.170.
- The language in CC29.07.170 is deleted and moved to a new DC29.07.350 to fall into the proper chronological order in which the destruction of ballots and election materials takes place at the end of the 90-day period following election certification.

Section DC29.07.180 Reserved. – No change.

Section DC29.07.190 ~~Absentee ballots time~~ Ballot eligibility.

- Now that we will be conducting elections by mail as the default, DC29.07.190 removes the reference of “absentee” ballots and replaces that with general language about ballots and how they will be reviewed for counting eligibility.

Section DC29.07.200 Voting systems. – No changes were made to this section.

Section DC29.07.210 Boards and teams.

- DC29.07.210 incorporates the workers required to conduct by mail elections and reflects the changes to the appointment of election workers to various teams based on different duties.

Section DC29.07.220 Procurement of voting technology.

- The language in DC29.07.220 provides for contractual services required to conduct by mail elections including the services of the ballot programmers, the firm hired to print and mail out the ballots, and any other election equipment contractor.

Section DC29.07.230 Tests and security. – No changes made to this section.

- Informational Note: The voting system control board conducts tests of ballots and election equipment programming to ensure the logic and accuracy of the programming and the ballots are in alignment with a set of predetermined random election results that are also hand counted. This is a pre-election audit of all the election systems to ensure they are working properly before being placed into live election recording status.

Section DC29.07.240 Voting system; demonstration. – No changes made to this section.

Section DC29.07.250 ~~Processing ballots at the polling place~~ Election policies established.

- DC29.07.250 combines CC29.07.250 language with that in the *Election Policies* found under the definition section of CC29.07.350.
- DC29.07.250 also requires election policies to be established 20 days prior to Election Day to ensure they are in place prior to the mailing of the ballots.

Section DC29.07.260 Delivery of ballots to ~~election central~~ ballot processing center.

- DC29.07.260 codifies the current chain of custody policies and procedures and combines the process for delivery of ballots and election materials to the ballot processing center for both types of elections: by mail and poll-based.

Section DC29.07.270 Manual counting. – No changes made to this section.

Section DC29.07.280 Review of election returns.

- The main changes in DC29.07.280 are to provide for the timing associated with ballot envelope review and preliminary unofficial results being made available on election day and the subsequent schedule of periodic updated results to be established by the election official.
- The timing of the canvass review board review of election returns and targeted certification date remain the same as the code changes that were made in 2022.

Section DC29.07.290 Certification of election. – No changes made to this section.

Section DC29.07.300 Election recounts.

- The only change to DC29.07.300 was to remove reference to “precinct” in this section since all ballots, even those received in a poll-based election, will be processed in the same manner as by mail election ballots and there is no way to segregate out ballots received from voters who live in one particular precinct vs. another.

No substantive changes were made to the following sections:

Section DC29.07.310 Oath of office.

Section DC29.07.320 Contest of election.

Section DC29.07.330 Judicial review.

Section DC29.07.340 Expenses.

Section DC29.07.350 Destruction of ballots and election materials.

- This section is a relocation of CC29.07.170 as noted previously in the memo.

~~Section CC29.07.350 Definitions.~~

- CC29.07.350 was relocated to the bottom of the code and is now at DC29.07.390.

All the language in Sections ~~CC29.07.360 Elections by mail~~ and ~~CC29.07.370 Alteration of election procedures for elections by mail~~ have been incorporated into all the various sections of this draft ordinance as noted above.

Section DC29.07.380 Observers.

- The only change to CC29.07.380 was to identify and incorporate into the policies and procedures the various locations where observers may wish to observe election processes occurring.

Section DC29.07.390 Definitions.

- As noted above, CC29.07.350 Definitions was relocated to the bottom of the code and is now located at DC29.07.390.
- New or changed definitions in this section include definitions for: “Ballot processing center,” “Election policies,” and “Polling Place, or Precinct Polling Place.”

Should Assemblymembers have any questions, I would be more than happy to discuss these changes and/or election policies and procedures in depth with you. Please give me a call at 907-586-5278 x4175.

Next Steps:

In order for these code changes to be in place prior to the opening of the candidate filing period on July 14, I would recommend the COW forward Ordinance 2023-24vCOW to the Assembly for introduction at the May 8 Assembly meeting and set it for public hearing at the June 12 Assembly meeting.

Thank you!



**Beth McEwen, MMC
Municipal Clerk/Election Official**

Attachments:

Ordinance 2023-24v.COW