CODE ORDINANCE

By: J. Duffy
Introduced: 01/21/03
Public Hearing: 02/18/03
Adopted: 02/18/03

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 03-028

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 25.25.060 ABSENTEE VOTING; BY PERSONAL REPRESENTATIVE, AND ENACTING MSB 25.25.061 SPECIAL NEEDS VOTING.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the borough code.

Section 2. Repeal of section. MSB 25.25.060 Absentee Voting; By Personal Representative, is hereby repealed in its entirety as follows:

[(A) A VOTER MAY APPLY FOR AN ABSENTEE BALLOT BY PERSONAL REPRESENTATIVE, THROUGH ANY PERSON OTHER THAN A CANDIDATE FOR OFFICE AT THAT ELECTION, AN IMMEDIATE FAMILY MEMBER OF THE CANDIDATE FOR OFFICE AT THAT ELECTION, THE VOTER'S EMPLOYER, AN AGENT OF THE VOTER'S EMPLOYER, OR AN OFFICER OR AGENT OF THE VOTER'S UNION, TO:

(1) THE BOROUGH OR CITY OF WASILLA CLERK'S OFFICE ON OR AFTER THE 15TH CALENDAR DAY BEFORE A REGULAR OR SPECIAL ELECTION, OR ON OR AFTER THE EIGHTH CALENDAR DAY BEFORE A RUN-OFF ELECTION, UP TO AND INCLUDING THE DAY BEFORE THE ELECTION; OR

(2) AN ELECTION BOARD MEMBER ON ELECTION DAY IN THE PRECINCT IN WHICH THE VOTER IS ENTITLED TO VOTE.

(B) A REQUEST FOR AN ABSENTEE BALLOT BY PERSONAL REPRESENTATIVE SHALL BE ON A FORM PROVIDED BY AN ELECTION

OFFICIAL OR BY WRITTEN STATEMENT STATING THAT THE APPLICANT IS UNABLE TO GO TO THE POLLING PLACE BECAUSE OF AGE, ILLNESS, OR PHYSICAL DISABILITY. THE VOTER'S APPLICATION MUST INCLUDE THE FOLLOWING:

(1) *[REPEALED BY ORD. 99-081, § 18, 1999]*

(2) *[REPEALED BY ORD. 99-081, § 18, 1999]*

(3) THE NAME AND FULL RESIDENCE ADDRESS OF THE VOTER;

(4) A VOTER IDENTIFIER SUCH AS A VOTER NUMBER, A SOCIAL SECURITY NUMBER, OR A DATE OF BIRTH;

(5) THE FULL NAME OF THE PERSONAL REPRESENTATIVE; AND

(6) THE VOTER'S SIGNATURE OR MARK.

(C) UPON RECEIPT OF AN APPLICATION FOR ABSENTEE BALLOT BY PERSONAL REPRESENTATIVE, THE ELECTION OFFICIAL SHALL DELIVER TO THE PERSONAL REPRESENTATIVE AN ABSENTEE BALLOT FOR THE ELECTION.

(D) THE PERSONAL REPRESENTATIVE SHALL DELIVER THE ABSENTEE BALLOT TO THE VOTER AS SOON AS PRACTICABLE. THE VOTER SHALL PROCEED TO MARK THE BALLOT IN SECRET, AND PREPARE THE BALLOT BY FOLLOWING THE INSTRUCTIONS PROVIDED. THE VOTER SHALL SIGN THE CERTIFICATION ON THE RETURN ENVELOPE IN THE PRESENCE OF THE PERSONAL REPRESENTATIVE WHO SHALL SIGN AS WITNESS AND THEN DATE THE SIGNATURE. THE PERSONAL REPRESENTATIVE SHALL DELIVER THE BALLOT TO THE ELECTION OFFICIAL WHO PROVIDED THE BALLOT NO LATER THAN 8 P.M. ON ELECTION DAY. AN ABSENTEE BALLOT BY PERSONAL REPRESENTATIVE THAT IS NOT RETURNED TO

THE ELECTION OFFICIAL WHO PROVIDED THE BALLOT BY 8 P.M. ON ELECTION DAY MAY NOT BE COUNTED.

(E) *[REPEALED BY ORD. 99-081, § 18, 1999]*

(F) *[REPEALED BY ORD. 99-081, § 18, 1999]*

(G) AN ELECTION OFFICIAL SHALL DELIVER THE VOTED PERSONAL REPRESENTATIVE BALLOT TO THE CLERK. THE CLERK SHALL DELIVER THE VOTED PERSONAL REPRESENTATIVE BALLOTS TO THE CANVASS BOARD FOR CANVASSING.]

Section 3. Adoption of section. MSB 25.25.061 is hereby adopted to read as follows:

25.25.061 Special Needs Voting.

(A) A voter with a disability who, because of that disability, is unable to go to a polling place to vote may vote a special needs ballot through any person other than a candidate for office at that election, an immediate family member of the candidate for office at that election, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union.

(B) The request for a special needs ballot may be made:

(1) to the borough clerk on or after the 15th calendar day before a regular election or special election, or on or after the eighth calendar day before a run-off election, up to and including the day before the election; or

(2) from an absentee voting official at an absentee voting station designated by the clerk at a time when the absentee voting station is in operation; or

(3) from a member of the precinct election board on election day.

(C) If the request for a special needs ballot is made through a representative, the representative shall sign the special needs voting envelope provided by an election official. The envelope must include the following information:

(1) the representative's name;

(2) the representative's residence and mailing address;

(3) the representative's social security number, voter number, or date of birth;

(4) the name of the voter on whose behalf the representative is requesting a ballot and voting materials;

(5) an oath that the representative:

(a) is receiving a ballot and voting materials on behalf of the voter;

(b) will not vote the ballot for the voter;

(c) will not coerce the voter;

(d) will not divulge the vote cast by the voter; and

(e) has been notified that unlawful interference with voting is punishable under A.S. 15.56.030.

(6) the representative's signature.

(D) The representative shall deliver the special needs ballot and other voting materials to the voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in a secrecy sleeve, and place the secrecy sleeve in the envelope provided. The voter shall provide the information on the envelope that would be required for absentee voting if the voter voted in person. The voter shall sign the voter's certificate in the presence of the representative. The representative shall sign as attesting official and date the voter's signature.

(E) The representative shall deliver the ballot and voter certificate to an election official not later than 8 p.m. Alaska time on election day.

(F) If a qualified voter's disability precludes the voter from performing any of the requirements of (D) of this section, the representative may perform those requirements, except making the voting decision, on the voter's behalf.

(G) An election official shall deliver the voted special needs ballot to the clerk. The clerk shall

deliver the voted special needs ballot to the canvass board for canvassing.

Section 4. Effective date. This ordinance shall take effect on the date the United States Department of Justice issues its non-objection or the date by which the United States Department of Justice must object if no objection is issued within the objection period.

ADOPTED by the Matanuska-Susitna Borough this 18 day of February, 2003.

/S/

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

/S/

SANDRA A. DILLON, Borough Clerk

(SEAL)