

CODE ORDINANCE

Sponsored by: Assemblymember Bernier

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-119**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING TITLE 25 OF THE MATANUSKA-SUSITNA BOROUGH CODE TO REQUIRE BALLOTS BE COUNTED BY HAND ONLY, DIRECT THAT COUNTING HAPPEN AT PRECINCTS, AND ALLOW FOR OBSERVATION BY POLL WATCHERS AND CANVASS BOARD OBSERVERS; ALL TO BE EFFECTIVE BEGINNING IN 2023.

WHEREAS, the intent and rationale for this ordinance are contained in the accompanying Informational Memorandum No. 22-215.

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. Amendment of section. MSB 25.20.060(F) is hereby amended to read as follows:

(F) The clerk may make arrangements with the state of Alaska for the use of [VOTING MACHINES AND OTHER] equipment and supplies relating to voting.

Section 3. Amendment of section. MSB 25.20.090 is hereby amended to read as follows:

25.20.090 DESIGNATION OF HAND-COUNT [OR COMPUTER-COUNT] PRECINCTS.

The clerk shall designate all precincts as hand-count [OR COMPUTER COUNT BASED ON THE EQUIPMENT AVAILABLE].

Section 4. Amendment of section. MSB 25.30.025 is hereby amended to read as follows:

25.30.025 POLL WATCHERS.

(A) Each candidate, or organized group that sponsors or opposes an issue, may designate one person at a time to be a poll watcher in each precinct and early vote count locations.

(B) A person wishing to serve as a poll watcher shall request authorization from the clerk. The authorization must include:

- (1) the name of the person to act as a poll watcher;
- (2) the name of the candidate, group, or organization the poll watcher is representing;
- (3) the date of the election; and
- (4) the precinct the poll watcher wishes to observe.

(C) The poll watcher must present authorization as defined in subsection (B) above to the election official upon request. The poll watcher will be provided an area to view all actions of the election board. Without the proper authorization, the election official is empowered to ask a poll watcher to leave the polling place.

(D) Persons observing may:

- (1) observe the conduct of the election; [AND]
- (2) check the polling booths after each voter to make sure campaign materials have not been left in the booth[.]; and

(3) observe the hand count of ballots and clearly see and

hear all ballot counting activities.

(E) Persons observing may not:

- (1) have any duties in the conduct of the election;
- (2) be allowed to touch any of the election materials; and
- (3) interfere or disturb the orderly conduct of the election.

Section 5. Amendment of section. MSB 25.30.120 is hereby amended to read as follows:

25.30.120 OPENING BALLOT BOX; **COUNTING.**

(A) The election officials shall, in full view of all persons assembled at the polling place, open the secured ballot boxes and shall segregate the questioned ballots, the absentee ballots, and the personal representative ballots from the regular ballots voted at the election.

(B) Each segregated group of ballots shall be compared with the register or form appropriate to that group to ensure that the correct number of ballots is in each group.

(C) The election officials shall, in full view of any poll watchers at the polling place, proceed to hand count regular ballots voted at the election and record the results.

[(C)] **(D)** Each segregated group of ballots shall be placed in a ballot container and sealed. The seal shall bear the date of the election and the election officials' signatures.

Section 6. Amendment of section. MSB 25.30.130 is hereby amended to read as follows:

25.30.130 BALLOT CONTAINER DELIVERY.

[IF THE PRECINCT IS A COMPUTER-COUNT PRECINCT, TWO ELECTION OFFICIALS FROM THE PRECINCT SHALL ACT AS A DELIVERY TEAM AND SHALL DELIVER THE SEALED BALLOT CONTAINERS TO THE RECEIVING TEAM AT THE CLERK'S OFFICE UNLESS OTHERWISE DIRECTED BY THE CLERK. IF THE PRECINCT IS A HAND-COUNT PRECINCT,] the precinct election board [SHALL TALLY THE VOTES, PURSUANT TO MSB 25.35.010 SHALL SEAL THE BALLOTS IN BALLOT CONTAINERS, AND] shall, within 24 hours of closing the polls, deliver the ballot containers to the clerk.

Section 7. Amendment of section. MSB 25.35.012(A) is hereby amended to read as follows:

(A) The ballots shall be counted by [THE VOTE TABULATION SYSTEM SELECTED BY THE CLERK] hand in a manner determined by the clerk.

Section 8. Amendment of section. MSB 25.35.030 is repealed as follows:

[25.35.030 BALLOT COUNTING; USE OF COMPUTERS.

THE CLERK SHALL DESIGNATE THE COMPUTERS TO BE USED IN COUNTING THE BALLOTS AND MAY NEGOTIATE AND CONTRACT WITH THE STATE OR A PRIVATE COMPUTER SERVICE FOR THE NEEDED COMPUTER SERVICES.]

Section 9. Amendment of section. MSB 25.35.040 is repealed as follows:

[25.35.040 BALLOT COUNTING; TESTS AND SECURITY.

NO LATER THAN ONE WEEK BEFORE THE ELECTION, THE VOTE

TABULATION SYSTEM SHALL BE TESTED IN THE PRESENCE OF, AND TO THE SATISFACTION OF, THE REVIEW BOARD. UPON COMPLETION OF THE TESTING, A SECURITY SEAL SHALL BE PLACED ON THE TABULATION SYSTEM FOR DELIVERY TO THE PRECINCTS.]

Section 10. Amendment of section. MSB 25.35.070 is hereby amended to read as follows:

25.35.070 CERTIFICATE OF ELECTION.

(A) Hand count of ballots shall be performed at all precincts. When all the votes have been counted, the election officials shall prepare a certificate of election, stating the number of votes each candidate received for each office. Each election official shall sign the certificate [. THE CERTIFICATE AND TALLY SHEETS SHALL BE PLACED IN ENVELOPES BY THE ELECTION OFFICIALS] which shall be delivered to the clerk.

[(B) VOTING TABULATION SYSTEM. UPON CLOSING THE POLLS, THE ELECTION OFFICIALS SHALL PRINT RESULTS TAPES, SIGN THE TAPES, AND RETURN TAPES AND MEMORY CARD TO THE CLERK AS SET OUT IN THE ELECTION PROCEDURES. THE RESULTS TAPES SERVE AS PRECINCT CERTIFICATES OF ELECTION.]

Section 11. Amendment of section. MSB 25.35.081 is hereby amended to read as follows:

25.35.081 COUNTING EARLY BALLOTS.

(A) The early ballots shall be delivered to the review board assigned by the clerk for hand counting in accordance with the

provisions of this chapter. Counting of early ballots will begin promptly after 8 p.m. on election day. [THE REVIEW BOARD SHALL PRINT RESULTS TAPES, SIGN THE TAPES, AND RETURN THE TAPES AND MEMORY CARD TO THE CLERK. THE RESULTS TAPES SHALL SERVE AS THE EARLY VOTING PRECINCT CERTIFICATE OF ELECTION.]

Section 12. Amendment of section. MSB 25.35.107 is hereby enacted to read as follows:

MSB 25.35.107 VOTE COUNTING, OBSERVATION.

(A) Upon conclusion of canvassing, a review board shall hand count all valid ballots in accordance with the provisions of this chapter.

(B) An observer meeting the qualifications of MSB 25.35.105 may observe the counting and clearly see and hear all ballot counting activities.

Section 13. Effective date. This ordinance shall take effect on January 1, 2023.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2022.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)