

CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-012**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
TITLE 25, ELECTIONS.

WHEREAS, the sectional analysis of the changes are laid out
in Informational Memorandum No. 25-024.

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 25.05.120(A) is hereby
amended as follows:

(A) Not later than 20 calendar days prior to
each regular or 15 calendar days prior to a special
election, the clerk shall prepare and mail one election
brochure per registered voter household containing
information approved by the assembly pertaining to each
proposition on the ballot, candidate information to
include candidate's name, year of birth, Alaska
residency, and a [100] 200-word or less position
statement by the candidate, sample ballots, and other
general voting information.

Section 3. Amendment of Section. MSB 25.15.030 is hereby amended as follows:

(E) At the time of submitting a declaration of candidacy, the candidate shall submit the items required for the election brochure. If the candidate decides not to submit a picture or candidate statement, those items will show as "not provided by the candidate" in the election brochure.

Section 4. Amendment of Section. MSB 25.26.010, Early Voting; In Person, is hereby amended as follows:

(A) Early voting in person before an election official, including the clerk, shall not begin prior to 15 calendar days before a regular election or special election and can run up to and including the day before the election. The clerk shall determine the process for early voting to ensure the integrity of the election. The early voter shall appear before an election official and provide their name, residence address, and a voter identifier such as a voter number, social security number, or date of birth. The election official shall verify that the voter's residence address appears on the official registration list and is qualified to vote per MSB 25.10.005 and then require the voter to sign the early voting register. The signing of the register shall

constitute a declaration that the voter is qualified to vote. When the voter has qualified to vote, an election official shall give the voter an official ballot and the voter shall mark the ballot in private. After the voter has marked the ballot, the voter shall place the ballot in the secrecy sleeve until depositing the ballot in the ballot box. The [TABULATION] counting of early voting ballots shall not begin before [8 P.M.] ON] election day and shall be [TABULATED] counted in accordance with MSB 25.35.081.

(1) A person who qualifies to be a poll watcher under MSB 25.30.025 may observe the early vote hand counting, but must take an oath that they will not divulge confidential information.

Section 5. Amendment of Section. MSB 25.30.025 is hereby amended to read as follows:

[(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 LECTION; [AND]

(4) THE PRECINCT THE POLL WATCHER WISHES TO OBSERVE;]

(B) Candidates or organized groups designating poll watchers shall:

(1) request authorization from the clerk. The authorization must include:

(a) the name of the person to act as a poll watcher;

(b) the name of the candidate, group, or organization the poll watcher is representing;

(c) the date of the election; and

(d) the precinct the poll watch wishes to observe.

(2) if the poll watcher is observing the early vote hand count, they shall also sign an oath agreeing to be bound by MSB 2.71.070(J), prohibiting the disclosure of confidential information.

(C) The poll watcher must present authorization as defined in subsection (B) of this section to the election official upon request. The poll watcher will be provided an area to view all actions of the election board. Without 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;

(2) check the polling booths after each over 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; and/or

(4) divulge or disseminate any confidential information, including but not limited to, personal voter information, partial results, or final results of ballot counting except that a poll watch may discuss final results of ballot counting after 8 p.m. on election day.

Section 6. Amendment of Section. MSB 25.35.012(C) is hereby amended to read as follows:

(C) *Hand-counted ballots.* Hand-counted ballots

shall be [TABULATED] counted according to the following rules:

(1) A voter may mark a ballot in the oval designating their vote only by the use of cross marks, "X" marks, diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are clearly spaced in the oval opposite the name of the candidate or proposition the voter desires to designate.

(2) Failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.

(3) If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

(4) If a voter marks more names than there are persons to be elected to the office, the votes for that office shall not be counted.

(5) *[Repealed by Ord. 03-074 (AM), § 12(part), 2003]*

(6) An erasure or correction invalidates only that section of the ballot in which it appears, unless the intent of the voter is clear.

(7) The mark specified in subsection (C)(1) of **this section shall be counted only if it is substantially** inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the particular oval to be designated.

(8) Improper marks on the ballot may not be counted and do not invalidate marks for candidates properly made.

(9) Borough ballots received from the State without sufficient information to verify voter qualifications under MSB 25.10.005 shall not be counted.

Section 7. Deletion of subsection. MSB 25.35.025(C) is hereby deleted:

[(C) *REVIEW BOARD.* THE CLERK SHALL APPOINT A REVIEW BOARD, AS CHOSEN FROM THE LIST OF ELIGIBLE ELECTION OFFICIALS. THE REVIEW BOARD SHALL ENSURE THAT ALL BALLOTS ARE COMPLETELY AND ACCURATELY COUNTED.]

Section 8. Amendment of Section. MSB 25.35.081 is hereby amended to read as follows:

(A) The early ballots shall be delivered to the election officials 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 hand count results shall be reported as soon as completed, but not before 8 p.m.**

Section 9. Amendment of Section. MSB 25.45.040 (B) (1), Procedure For Recount, is hereby amended as follows:

(1) If there are write-in votes for a candidate whose name appears on the ballot or for an official write-in candidate, these write-in votes shall be [TABULATED] **counted**.

Section 10. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2024.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)