ORDINANCE NO. 6134

AN ORDINANCE TO AMEND FGC CHAPTER 22 ELECTIONS BY ADDING NEW SECTION 22-15.1 EARLY VOTING, MAKING RELATED AMENDMENTS, AND EXPANDING THE REQUIREMENTS FOR NOTICES OF ELECTION

WHEREAS, to the extent possible, the City of Fairbanks tries to maintain uniformity with the Fairbanks North Star Borough (FNSB) in its election code and procedures as City and Borough elections are conducted concurrently; and

WHEREAS, the city clerk currently includes instructions for voter registration and absentee ballot application in notices of election, and this practice should be codified; and

WHEREAS, the FNSB recently amended its code of ordinances regarding elections by adding language to allow for early voting; and

WHEREAS, the State of Alaska administers voter registration for all voters in the State and provides the City of Fairbanks with registered voter lists and precinct registers to use in City elections; and

WHEREAS, previously, State procedures allowed only for hard copies of voter lists and precinct registers to be delivered to municipalities, but State procedures changed last year so that only electronic copies of voter information are now available to municipalities; and

WHEREAS, with electronic voter lists and precinct registers from the State, local clerks now have the ability to offer early voting in municipal elections in addition to in-person, absentee voting prior to an election; and

WHEREAS, in response to the COVID-19 pandemic and the recommendations from the State of Alaska and the federal government, the City is committed to expanding voter access to local elections by offering early voting beginning with the October 6, 2020 regular election; and

WHEREAS, the FNSB has purchased the software and equipment to conduct early voting at the Borough administrative building for elections of the three local municipalities (City of Fairbanks, City of North Pole, and FNSB).

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. That Fairbanks General Code Sec. 22-7. Notice of elections, subsection (c) is amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

(c) Each notice of election shall include:

    (1) The type of election, regular, special or runoff;

    (2) The date of the election;

    (3) The hours the polls will be open;

    (4) The offices to which candidates are to be elected;

    (5) The subjects of propositions and questions to be voted upon;

    (6) Voter qualifications **and instructions for registration**; ~~and~~

    (7) Instructions for application for absentee voting;

    (8) Instructions for early voting, including location and hours; and

    (**9**~~7~~) Location of precinct polling places.

    Section 2. That Fairbanks General Code Sec. 22-12. Distribution of ballots, subsection (a) is amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

  (a) The city clerk shall have the ballots in possession at least 15 days before each regular election or seven days before each runoff or special election. At that time the ballots may be inspected by any candidate whose name is on the ballot, or their authorized agent, and any mistake discovered shall be corrected immediately. Sufficient ballots for the registered voters of each precinct shall be delivered to the election board for that precinct **prior to or on the date of the election before the opening of the polls. Sufficient ballots will be delivered to the early voting station prior to or on the date early voting begins**.

    Section 3. That Fairbanks General Code Sec. 22-13. Election supplies and equipment is amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

  (a) Before the opening of the polls, the city clerk shall furnish to the election board of each precinct the state voter registration list for that precinct and shall equip and supply each polling place with sufficient materials for that precinct's election, including those materials required by this section. **Before early voting begins, the city clerk shall furnish the state voter registration list for the city and those materials required by this section to the early voting election officials.**

  (b) The city clerk shall prepare instructions explaining to voters how to obtain ballots, how to mark them, and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear type and shall be distributed to the election boards to be prominently displayed in each polling place. The city clerk shall provide booths at each polling place **and early voting station** with appropriate supplies and conveniences to enable each voter to mark their ballot screened from observation. Ballot boxes shall be placed outside the voting booths in plain view of the election officials, voters, and other persons at the polling place **and early voting station**.

    Section 4. That Fairbanks General Code Chapter 22 is amended by adding new Sec. 22-15.1 Early voting as follows [new text in **bold/underline** font]:

Sec. 22-15.1. – Early voting.

(a) *Administration of early voting.* **The city clerk shall provide general administrative supervision over the conduct of early voting, to include designating early voting election officials, designating the time and location of early voting, and establishing procedures relating to early voting. Prior to election day, the city clerk shall mark the precinct registers of those voters who voted early or give to the election board in each precinct a list of voters from the precinct who have voted early. If a voter who voted an early ballot appears at their regular precinct on election day, the voter may not vote a regular ballot but may vote a questioned ballot.**

(b) *Dates and times of early voting.* **Early voting will begin no later than 15 days before each regular election and no later than 10 days before each special or run-off election and will continue up to and including the Thursday prior to election day.**

(c) *Providing ballots to early voters.* **An early voter appearing before an election official will be issued a ballot upon verification that the voter's residence address on the official registration list is current and upon:**

    (1) Showing proof of identification as required in this chapter; and

    (2) Signing the early voting register.

Voter assistance and ballot handling procedures set forth in this chapter will apply to early voting. If a voter is not eligible for early voting, the voter may apply for an absentee ballot.

(d) *Counting of ballots.* **Early voting ballots will be counted in accordance with the ballot counting procedures in this chapter, including the completion of a ballot statement by the election officials.**

    Section 5. That Fairbanks General Code Sec. 22-24 Canvass of returns, subsections (b) and (d) are amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

(b) On the day following each election, or as soon as is practicable, the election canvass board shall meet in public session and canvass all election returns. In full view of those present, the election canvass board shall judge the applicability of absentee and questioned ballots, shall open and tally those accepted, and shall compile the total votes cast in the election. The canvass of the ballot vote counted by precinct election boards **and early voting station election officials** shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's **or the early voting station's** certificate of results. All obvious errors found by the election canvass board in the transfer of totals from the ~~precinct~~ tally sheets to the ~~precinct~~ certificate of returns shall be corrected by the canvass board. If in the opinion of the canvass board a mistake has been made in ~~precinct~~**the** returns which is not clearly an error in the transfer of results from the tallies to the certificate of results, the canvass board may recommend a recount of ~~that precinct's~~**the precinct(s) or early voting station** results be made for that portion of the returns in question.
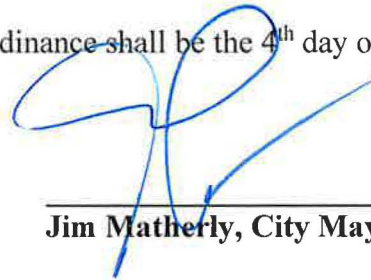
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(d) Upon completion of the canvass, the canvass board shall prepare a certificate of the results of votes cast by **early,** absentee ballot, questioned ballot, and by regular ballot and shall prepare and submit a written report of the results to the city council.

Section 6. That Fairbanks General Code Sec. 22-26 Recount application, subsection (b) is amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

(b) Recount application forms shall be provided by the city clerk. The application shall specify with particularity the grounds for the contest, the particular election precinct(s) **(to include absentee, questioned, and early voting ballots)** for which the recount is to be held, the particular office, proposition or question for which the recount is to be held, and that the person making the application is a candidate or that the ten persons making the application are qualified voters of the city. The application for a recount shall bear the notarized signature of the candidate or the ten qualified voters seeking the recount.

Section 7. That the effective date of this Ordinance shall be the 4th day of July 2020.

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Jim Matherly, City Mayor

AYES: Gibson, Cleworth, Rogers, Kun, Therrien, Pruhs
NAYS: None
ABSENT: None
ADOPTED: June 29, 2020

ATTEST: APPROVED AS TO FORM:

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D. Danyielle Snider, MMC, City Clerk   Paul J. Ewers, City Attorney