

NON-CODE EMERGENCY ORDINANCE

CITY OF \_\_\_\_\_, ALASKA

**NON-CODE EMERGENCY ORDINANCE NO. \_\_\_\_\_**

**A NON-CODE EMERGENCY ORDINANCE TEMPORARILY AMENDING THE MUNICIPALITY'S ELECTION CODE TO ALLOW FOR ABSENTEE VOTING BY-MAIL IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19).**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF \_\_\_\_\_ :

**Section 1. Council Findings.**

The council may adopt under state law a non-code emergency ordinance to meet a public emergency and shall contain a finding that an emergency exists and a statement of the facts upon which the finding is based (Sec. 29.25.030). The following are the council findings:

The United States Centers for Disease Control and Prevention (CDC) has identified the coronavirus disease 2019 (COVID-19) as a new strain of coronavirus not previously identified in humans causing respiratory disease that can result in serious illness or death and which poses a significant public health risk. The World Health Organization declared a pandemic related to COVID-19 on March 11, 2020. The Governor of the State of Alaska declared a Public Health Disaster Emergency on March 11, 2020, and the President of the United States declared a National Emergency on March 13, 2020.

The CDC has identified recommendations and actions for election officials to take in advance of Election Day to encourage voters to use voting methods that minimize direct contact with other people.

The council acknowledges this non-code emergency ordinance does not replace other methods of absentee voting or voters going to the poll on Election Day but provides for an alternative method of voting on a temporary basis before Election Day.

The council prescribes the rules for conducting an election under state law and supports the adoption of this non-code emergency ordinance, and directs the clerk to prepare election materials to support absentee voting by-mail for the 2020 municipal election (Sec. 29.25.020).

## **Section 2. Classification.**

This is a non-code emergency ordinance.

## **Section 3. Absentee Voting By-Mail.**

A. A qualified voter may apply to vote by mail to the clerk for an absentee ballot. The application shall include space for the applicant's residence address, ballot mailing address, phone number, certificate of residency, and space for the applicant's signature. Husband and wife may use one application but Alaska law requires that each must sign. The clerk may require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of his/her identity.

B. An application for an absentee ballot by-mail must be received by the clerk at least \_\_\_\_\_ days prior to the day of the election.

C. After receipt of an application, the clerk shall send the absentee ballot and other absentee voting materials to the applicant as soon as they are ready for distribution. The return envelope sent with the materials shall be pre-addressed to the clerk, and include pre-paid postage.

D. Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public; commissioned officer of the armed forces, including the National Guard; district judge or magistrate; United States postal official; or other person qualified to administer an oath, may proceed to mark the ballot in secret, to place the ballot in the small plain envelope, to place the small envelope in the larger envelope in the presence of an official, and shall date his/her signature. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall have the ballot witnessed by two persons over the age of eighteen.

E. To be counted in the election, an absentee ballot must be postmarked by midnight of the day of the election, and received by the clerk before the date and hour of the canvass. Ballot envelopes received after that time shall not be opened but shall be marked "invalid" with the date and hour of receipt noted and kept on file with the other election materials.

F. The clerk shall maintain a list of the name of each voter to whom an absentee ballot is sent by mail. The record must list the date on which the ballot is mailed and the address the applicant requested the ballot to be mailed.

G. The clerk shall supply the election judges a list of voters who have requested their ballot by mail. If an absentee voter returns to his voting precinct on the day of the election, he will not be allowed to vote until he surrenders the ballot. The election judges shall return the unused ballot to the clerk. If the voter is unable to locate his ballot, the clerk may issue a questioned ballot.

## **Section 4. Adoption of Emergency Ordinance.**

An emergency ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of

three-fourths of the total membership, whichever is less, is required for adoption of an emergency ordinance (Sec. 29.25.030).

**Section 5. Effective Date and Duration.**

This act is effective on adoption, and for a duration of 60 days only (Sec. 29.25.030).

PASSED and ADOPTED by the Council of the City of \_\_\_\_\_ on \_\_\_\_\_, 2020.

SEAL:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk