

1 By: Matt Cooper
2 Leah Berman Williams
3 Introduced: 06/11/2020
4 Advanced: 06/11/2020
5 Adopted: 06/30/2020
6

7 FAIRBANKS NORTH STAR BOROUGH

8
9 ORDINANCE NO. 2020 – 26
10

11 AN ORDINANCE AMENDING FNSBC TITLE 5 TO ADD A NEW CHAPTER 5.26 FNSBC
12 EARLY VOTING, AMENDING FNSBC 5.28.030 TO EXPAND ELIGIBILITY FOR ABSENTEE
13 VOTING, AND MAKING RELATED AMENDMENTS
14

15 WHEREAS, The State of Alaska (State) administers voter registration for all
16 voters in the State and provides the Fairbanks North Star Borough (Borough) with
17 registered voter lists and precinct registers to use in municipal elections; and
18

19 WHEREAS, Previously, State procedures only allowed for printed hard
20 copies of voter lists and precinct registers to be delivered to municipalities such as the
21 Borough, but State procedures changed last year, and now only electronic copies of the
22 voter information are made available to municipalities; and
23

24 WHEREAS, With electronic voter lists and precinct registers from the State,
25 the Borough Clerk now has the capability to offer early voting in Borough elections, as
26 opposed to the current process which only allows in-person absentee voting prior to an
27 election; and
28

29 WHEREAS, In response to COVID-19 and the resulting recommendations
30 from State and Federal Government, the Borough is committed to expanding voter access
31 to local elections by offering early voting beginning with the October 6, 2020 municipal
32 election; and
33

34 WHEREAS, The Borough Clerk’s Office is confident in its ability to implement
35 early voting while continuing to maintain standards of quality and integrity that merit
36 public confidence in the election process and election results.
37

38 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
39 North Star Borough:
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41 Section 1. This ordinance is of a general and permanent nature and shall
42 be codified.

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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Text to be *deleted* is [BRACKETED, CAPITALIZED]

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44 Section 2. Subsection B of FNSBC 5.04.060, Notice of Elections, is amended
45 to read as follows:

- 46 B. Each notice of election shall include:
- 47 1. The type of election, whether regular, special or run-off;
 - 48 2. The date of the election;
 - 49 3. The hours the polls will be open;
 - 50 4. The offices to which candidates are to be elected;
 - 51 5. The subjects of propositions to be voted upon;
 - 52 6. Voter qualifications and instructions for registration;
 - 53 7. Instructions for application for absentee voting;
 - 54 8. Early voting instructions, including station location and hours;
 - 55 [8]9. Precinct polling places.

56
57 Section 3. Subsections A and B of FNSBC 5.04.120 Election supplies and
58 equipment, is amended to read as follows:

- 59 A. Before the opening of the polls the borough clerk shall furnish to the election board
60 of each precinct the state voter registration list for that precinct and shall equip and
61 supply each polling place with sufficient materials for that precinct's election, including
62 those materials required by this section. Before early voting begins the borough clerk
63 shall furnish the early voting election officials the state voter registration list for the
64 borough, including those materials required by this section.
- 65 B. The borough clerk shall prepare instructions explaining to voters how to obtain
66 ballots, how to mark them, and how to obtain new ballots to replace those destroyed or
67 spoiled. These instructions shall be printed on cards in large, clear type and shall be
68 distributed to the election boards to be prominently displayed in each polling place. The
69 borough clerk shall provide booths at each polling place and early voting station with
70 appropriate supplies and conveniences to enable each voter to mark their ballot screened
71 from observation. Ballot boxes shall be placed outside the voting booths in plain view of
72 the election officials, voters and other persons at the polling place and early voting
73 station.

74
75 Section 4. Subsection C of FNSBC 5.16.020, Preparation and distribution,
76 is hereby amended as follows:

- 77 C. The borough clerk shall arrange for delivery of ballots to the early voting station
78 prior to or on the date early voting begins and to each election board prior to or on the
79 date of the election before the opening of the polls. The ballots shall be delivered in
80 separate containers, with the number of ballots enclosed in each container clearly marked
81 on the outside of it. A receipt for each package shall be taken from the election board to
82 which it is delivered.

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84 Section 5. Title 5 of the Fairbanks North Star Borough Code of Ordinances
85 is amended to add Chapter 5.26, Early Voting, as follows:

86
87 Chapter 5.26
88 EARLY VOTING

89 Sections:

90 5.26.010 Administration of early voting.

91 5.26.020 Dates and times of early voting.

92 5.26.030 Providing ballot to early voters.

93 5.26.040 Counting of Ballots.

94
95 5.26.010 Administration of early voting.

96 A. The borough clerk shall provide general administrative supervision over the
97 conduct of early voting, to include designating early voting election officials, designating
98 the time and location of early voting and establishing procedures relating to early voting.

99 B. Prior to election day, the borough clerk shall mark the precinct registers of those
100 voters who voted early or give to the election board in each precinct a list of voters from
101 the precinct who have voted early. If a voter who voted an early ballot appears at the
102 voter's precinct on election day, the voter may not vote a regular ballot but may vote a
103 questioned ballot.

104
105 5.26.020 Dates and times of early voting.

106 Early voting shall begin no later than 15 days before each regular election and no later
107 than 10 days before each special or run-off election and shall continue up to and including
108 the Thursday prior to election day.

109
110 5.26.030 Providing ballot to early voters.

111 A. An early voter appearing before an election official shall be issued a ballot upon:

112 1. Exhibition of proof of identification as required in this title;

113 2. Verification that the voter's residence address on the official registration list
114 is current; and

115 3. The voter signing the early voting register.

116 B. Voter assistance and ballot handling procedures set forth in this title shall apply to
117 early voting.

118 C. If the voter is not eligible for early voting, the voter may apply for an absentee
119 ballot.

120
121 5.26.040 Counting of ballots.

122 Early voting ballots shall be counted in accordance with the ballot counting procedures in
123 this title, including the completion of a ballot statement by the election officials.

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125 Section 6. FNSBC 5.28.030, Eligibility, is amended to read as follows:
126 Any qualified voter may vote an absentee ballot [FOR THE PRECINCT IN WHICH THEY
127 RESIDE AND IS REGISTERED (1) IF THEY BELIEVE THEY WILL BE UNAVOIDABLY
128 ABSENT FROM THEIR VOTING PRECINCT ON ELECTION DAY, WHETHER INSIDE THE
129 BOROUGH OR NOT, OR (2) IF THEY WILL BE UNABLE TO BE PRESENT AT THE POLLS
130 BECAUSE OF PHYSICAL DISABILITY] for any reason.

131
132 Section 7. FNSBC 5.32.020, Canvass of returns, is amended to read as
133 follows:

134 A. The day following the election, the election canvass board shall meet in public
135 session and canvass all election returns. In full view of those present, the election canvass
136 board shall judge the applicability of absentee and questioned ballots, shall open and tally
137 those accepted, and shall compile the total votes cast in the election. The canvass of the
138 ballot vote counted by the precinct election boards and early voting station election
139 officials shall be accomplished by reviewing the tallies of the recorded vote to check for
140 mathematical error by comparing totals with the precinct's or early voting station's
141 certificate of results. All obvious errors found by the election canvass in the transfer of
142 totals from the [PRECINCT] tally sheets to the [PRECINCT] certificate of results shall be
143 corrected by the canvass board. A mistake that has been made in [PRECINCT] the returns
144 that is not clearly an error in the transfer of the results from the tallies to the certificate
145 of results empowers the canvass board to recommend a recount of the results of the
146 precinct or precincts or early voting station for that portion of the returns in question.

147 B. Upon completion of the canvass, the board shall prepare a final certificate of the results
148 of votes cast by early, absentee, questioned and challenged ballots and of votes cast by
149 regular ballot, and shall prepare a written report of the results to be submitted to the
150 assembly.

151
152 Section 8. Subsection B of FNSBC 5.36.020, Form of application, shall be
153 amended as follows:

154 B. A recount application shall specify with particularity the grounds for the contest,
155 the particular election precinct(s) (to include absentee, questioned, and early voting
156 ballots) for which the recount is to be held, the particular office or proposition for which
157 the recount is to be held and shall state that the person making the application is a
158 candidate or that the 10 persons making the application are qualified voters.

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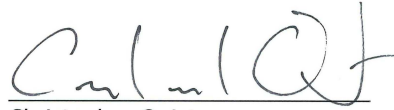
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160 Section 9. Effective Date. This ordinance is effective at 5:00 p.m. on the
161 first Borough business day following its adoption.

162
163 ADOPTED THE 30TH DAY OF JUNE 2020.

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168 

169 Christopher Quist
170 Presiding Officer

171 ATTEST:

172 
173
174 April Trickey, CMC
175 Borough Clerk

176
177 Yeses: Williams, Cash, Tomaszewski, O'Neill, Sanford, Cooper, Lojewski, Lyke, Quist
178 Noes: None

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