

By: Tammie Wilson
Introduced: September 28, 2023

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2023 - 58

AN ORDINANCE AMENDING FNSBC 1.04.010, 3.04.020 AND 5.04.050 REGARDING THE DATE OF THE REGULAR MUNICIPAL ELECTION, AMENDING FNSBC 5.28.070 AND 5.28.080 REGARDING THE DAY WHEN ABSENTEE BALLOTS MUST BE RECEIVED BY MAIL AND AMENDING THE FY 2023-24 BUDGET BY APPROPRIATING \$190,000 FROM THE GENERAL FUND FUND BALANCE TO THE MULTI-YEAR GENERAL SUBFUND FOR THE PURPOSE OF PURCHASING BALLOT BOXES, VOTING BOOTHS, TABLES AND CHAIRS FOR MUNICIPAL ELECTIONS

WHEREAS, Voting is a fundamental right, and the United States Supreme Court has recognized that a citizen has a constitutionally protected right to participate in an elections on an equal basis with other citizens in the jurisdiction; and

WHEREAS, By voting, citizens are participating in the democratic process;
and

WHEREAS, Higher voter turnout better represents the majority of citizens;
and

WHEREAS, State election turnout is frequently higher than Fairbanks North Star Borough (Borough) local elections; and

WHEREAS, The voting process should be made as convenient as possible;
and

WHEREAS, Moving local elections to the highly visible federal and state election date will be a convenience for voters; and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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WHEREAS, The efficiency of concurrent federal, state, and local elections will save voters valuable time and money; and

WHEREAS, The goal is to increase efficiency and encourage higher voter participation; and

WHEREAS, Occasionally, the Tuesday following elections falls on Veterans Day, a federal holiday, a code change is required to ensure all absentee ballots returned by mail each year have the same number of days to be delivered by the United States Postal Service; and

WHEREAS, A municipal election coinciding with the general election will require the purchase of equipment that the Borough currently borrows from the State of Alaska, Division of Elections; and

WHEREAS, The purchase of ballot boxes, voting booths, tables, and chairs, for 40 precincts, is necessary for the Borough to continue to conduct municipal elections.

NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. Sections 2 through 6 of this ordinance are of a general and permanent nature and shall be codified. All other sections of this ordinance are not of a general and permanent nature and shall not be codified.

Section 2. FNSBC 1.04.010, Definitions, is hereby amended as follows:

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61 "Regular Election" means the Borough election held on the first Tuesday [IN OCTOBER]
62 after the first Monday in November.

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64 Section 3. FNSBC 3.04.020, Organization, is hereby amended as follows:

65 A. The Assembly shall elect from among its members a Presiding Officer and a Deputy
66 Presiding Officer.

67 B. The election of the Presiding Officer and the Deputy Presiding Officer shall be held
68 annually at the first regular meeting following certification of the results of the Fairbanks
69 North Star Borough regular election and shall be conducted as follows:

70 1. The Assembly shall hear nominations from as many Assemblymembers as
71 shall desire to make them. Members are able to nominate themselves if they wish. At the
72 first meeting (either committee of the whole or a regular meeting) held after the election
73 has been certified and newly elected Assemblymembers have been sworn in, the Clerk
74 shall inform newly elected members and ongoing members of the duties, powers, and
75 responsibilities of the Presiding Officer and Deputy Presiding Officer, and shall also explain
76 the election process. Nominations shall then take place as the second order of business.

77 a. Nominated candidates will be given an opportunity to address their
78 qualifications to lead the Assembly at this time, and again immediately prior to the
79 election vote being taken.

80 b. Nominated candidates may also provide a written resume.

81 c. Copies of submitted written resumes shall be available at the Clerk's
82 office no later than noon of the Tuesday preceding the regular Assembly meeting where
83 election will occur.

84 2. Rules and procedures applicable to elections of politically partisan bodies
85 shall not apply or otherwise guide the election of the Presiding Officer and the Deputy
86 Presiding Officer. The Clerk will provide training on this issue at the first meeting after
87 the regular election.

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88 3. At the first regular meeting following certification of the [GENERAL]regular
89 election results, the Assembly shall select by a secret ballot the Presiding Officer and the
90 Deputy Presiding Officer. Debate and discussion may precede the vote if any member so
91 wishes.

92 4. A candidate shall be elected only if the candidate receives a majority vote
93 as defined in FNSBC 3.16.020(G).

94 5. If no candidate receives a majority vote, then the Assembly shall hold a
95 run-off election between all of the candidates, minus the one that received the least
96 number of votes.

97 The Assembly shall continue the balloting until one candidate is elected.

98 6. If there is a tie between the candidates that received the least number of
99 votes, then the Assembly shall break the tie by voting for the tied candidates, and the
100 name of the candidate receiving the most votes shall be added to the run-off ballot.

101 C. The regular term of office for the Presiding Officer and the Deputy Presiding Officer
102 begins on [NOVEMBER] December 1st of the year each is elected and ends on [OCTOBER
103 31ST] November 30th of the following year.

104 D. In the event of a vacancy of the Office of Presiding Officer or Deputy Presiding
105 Officer occurs, the vacancy shall be filled by holding an election at the next regular
106 meeting of the Assembly, in accordance with the rules stipulated in subsections (B)(1)
107 through (6) of this section.

108
109 Section 4. FNSBC 5.04.050, Election Times, is hereby amended as
110 follows:

111 A. Time of Regular Election. Annually, on the first Tuesday [OF OCTOBER] after the
112 first Monday in November, a regular election shall be held in the Borough for the election
113 of vacant Borough offices, and for the determination of other matters as may be placed
114 on the ballot.

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115 B. Time of Run-off Election. When a run-off election is required by law, the election
116 shall be held on the third Tuesday following the regular election or within two weeks after
117 certification of the results of the regular election. The run-off election shall not be
118 considered a special election within the meaning of AS 29.71.

119 C. Time of Service Area Elections.

120 1. Annually, on the third Tuesday of November, an election shall be held for
121 establishing new service areas, annexation to existing service areas, dissolving a service
122 area, or to consolidate or merge two or more service areas.

123 2. Annually, on the fourth Tuesday of March, an election shall be held for any
124 service area desiring to increase their mill levy for services provided within the boundaries
125 of the service area.

126 D. Time of Special Elections. The Assembly, by motion, resolution, or adoption of an
127 ordinance, may call a special election at any time at least 75 days prior to the date of the
128 election. Unless the Assembly has set a date for a required special election, the Borough
129 Clerk shall call a special election when required by law or ordinance to place an initiative,
130 referendum, recall or other question before the voters.

131

132 Section 5. FNSBC 5.28.070, Absentee voting – By mail, is hereby
133 amended as follows:

134 A. A qualified voter may apply for an absentee ballot by mail if postmarked not earlier
135 than the first of the year in which the election is to be held nor less than seven days
136 before an election. The application shall include the address to which the absentee ballot
137 is to be returned, the applicant’s full Alaska residence address, and the applicant’s
138 signature.

139 B. After receipt of an application by mail, the Borough Clerk shall send the absentee
140 ballot and other absentee voting materials to the applicant by the most expeditious mail
141 service. The materials shall be sent as soon as they are ready for distribution. The return
142 envelope sent with the materials shall be addressed to the Borough Clerk.

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143 C. Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary
144 public, commissioned officer of the armed forces including the National Guard, district
145 judge or magistrate, United States postal official, or other person qualified to administer
146 oaths, may proceed to mark the ballot in secret, to place the ballot in the small envelope,
147 to place the small envelope in the larger envelope, and to sign the voter's certificate on
148 the back of the larger envelope in the presence of an official listed in this subsection who
149 shall sign as attesting official and shall date their signature. If none of the officials listed
150 in this subsection are reasonably accessible, an absentee voter shall be witnessed by a
151 person over the age of 18 years.

152 D. An absentee ballot must be marked and attested on or before the date of the
153 election. If the voter returns the ballot by mail, they shall use the most expeditious mail
154 service and mail the ballot not later than the day of the election to the Borough Clerk. It
155 must be postmarked on or before midnight of election day and received by the Borough
156 Clerk no later than the Tuesday following the election. If the Tuesday following the
157 election falls on a holiday, the ballot must be received the next business day following
158 the holiday. Ballot envelopes received after that time shall not be opened but shall be
159 marked "invalid" with the date of receipt noted thereon, and shall be preserved with other
160 ballots of the election.

161 E. The Borough Clerk may require a voter casting an absentee ballot by mail to
162 provide proof of identification or other information to aid in the establishment of their
163 identity.

164 F. The Borough Clerk shall maintain a record of the name of each voter to whom an
165 absentee ballot is sent by mail. The record must list the date on which the ballot is mailed
166 to the applicant and received in the Office of the Borough Clerk. The record will contain
167 the dates on which the ballot was executed and postmarked.

168 G. All service area elections shall use the procedures in this section.

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170 Section 6. FNSBC 5.28.080, Application for absentee voting by electronic
171 transmission, is hereby amended as follows:

172 A. A qualified voter may apply for an absentee ballot to be sent by electronic
173 transmission. Such request must be made by noon (Alaska Standard Time) the day
174 immediately preceding the election. Absentee ballots will be electronically transmitted to
175 the location designated in the application. If no location is designated, and if the request
176 is received no later than seven days prior to the election, the ballot will be mailed in the
177 manner provided for absentee ballots by mail. The Borough Clerk may impose reasonable
178 conditions for electronically transmitting absentee ballots.

179 B. A ballot electronically transmitted shall contain a copy of the ballot to be used at
180 the election in a form suitable for transmission. A photocopy of the computerized ballot
181 card to be used by persons voting in person at the polling places is acceptable.

182 C. The voter shall mark the ballot on or before the date of the election and shall use
183 a mail service at least equal to first class and mail the ballot not later than the day of the
184 election to the Borough Clerk. The ballot may not be counted unless it is received by the
185 close of business on the Tuesday following the election. If the Tuesday following the
186 election falls on a holiday, the ballot must be received the next business day following
187 the holiday.

188 D. A voter may transmit the ballot electronically no later than the closing of polls on
189 election day. The ballot shall be counted in the same manner as other absentee ballots,
190 even though this procedure may reveal to one or more election officials the manner in
191 which a particular absentee voter cast their ballot. However, it shall be unlawful to display
192 a telefax ballot in a manner revealing the way in which a particular voter cast their ballot
193 to any person other than the Borough Clerk, a member of the Borough Clerk's staff, an
194 election official in the course of their duties, or an attorney advising the Borough Clerk
195 on legal questions concerning the ballot.

196 E. All service area elections shall use the procedures in this section.

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198 Section 7. General Fund Appropriation. The FY 2023-24 budget is hereby
199 amended by appropriating \$190,000 to the General Fund budgetary guideline entitled
200 "Contribution to Multi-Year General Subfund" and by increasing Contribution from Fund
201 Balance by a like amount.

202

203 Section 8. Multi-Year General Subfund Appropriation. The FY 2023-24
204 budget is hereby amended by appropriating \$190,000 to the Multi-Year General Subfund
205 budgetary guideline entitled "November Municipal Elections Equipment Purchases" and
206 by increasing Contribution from General Fund by a like amount.

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208 Section 9. Lapse of Funds. Upon completion or abandonment of the
209 project, any unexpended, unencumbered balance will lapse to the General Fund fund
210 balance.

211

212 Section 10. Effective Dates. Sections 1 through 6 of this ordinance are
213 effective at 5:00 p.m. on December 31, 2023. Sections 7 through 9 of this ordinance are
214 effective at 5:00 p.m. on the first Borough business day following its adoption.

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216 ADOPTED THE _____ DAY OF _____ 2023.

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Aaron Lojewski
Presiding Officer

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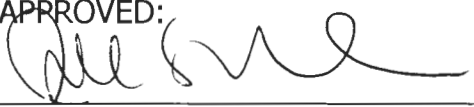
222 ATTEST:

APPROVED:

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April Trickey, MMC
Borough Clerk



Jill S. Dolan
Borough Attorney

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FAIRBANKS NORTH STAR BOROUGH
FISCAL NOTE

I. Request

Ordinance No: 2023-58 Date Introduced: September 28, 2023

Abbreviated Title: Appropriating \$190,000 from the General Fund Fund Balance to the Multi-Year General Subfund for November Municipal Elections Equipment Purchases

II. Financial Detail

Department/Division Affected: Assembly / Elections

EXPENDITURE	General Fund	Multi-Year General Subfund	Total
	FY 23/24	FY 23/24	FY 23/24
Awaiting Budget		190,000	
Contribution to Multi-Year General Subfund	190,000		
Total	190,000	190,000	

SOURCE OF FUNDING

Contribution from General Fund		190,000	
Contribution from Fund Balance	190,000		
Total	190,000	190,000	

Specify Funding Sources: General Fund fund balance

OTHER FUNDING (PREVIOUSLY APPROPRIATED)

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III. Project Purpose:

To purchase election equipment for a change to November local elections

IV. Analysis of Future Liabilities and Funding Sources:


None

V. Fund Certification: I certify that funding sources are available as detailed in II above.



Joanne K. Pascoe
Chief Financial Officer

9/7/2023
Date

FA	SrGLA
GA	CA
 FinSp	C <u>ST</u>
TBM	GLSA