

Introduced by: Knopp at the Request of the
Borough Clerk
Date: 04/03/12
Hearing: 05/01/12
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-09**

AN ORDINANCE AMENDING KPB 4.50.015 AND DESIGNATING ABSENTEE BY-MAIL PRECINCTS AS AUTHORIZED IN ALASKA STATUTE 29.26.010

WHEREAS, KPB 4.50.015 provides that those precincts which had less than 75 voters voting at the last regular municipal election may be designated as absentee by-mail precincts by resolution; and

WHEREAS, Resolution 98-064 designated the following precincts as absentee by-mail precincts:

Cooper Landing	Nanwalek
Hope	Port Graham
Kachemak Bay	Tyonek
Moose Pass; and	

WHEREAS, with the exception of the Tyonek precinct, the other designated by-mail precincts had greater than a 75 voter turnout in the 2011 Regular Borough Election, which demonstrates the success of designating them as by-mail precincts in increasing voter turnout; and

WHEREAS, with the increase in population and the success of the designation it seems prudent to update the 75 voter provision to 200 voters which would allow for re-designation of the current by-mail precincts; and

WHEREAS, the State of Alaska, Division of Elections designated new precincts after the 2010 census and State House Redistricting; and

WHEREAS, AS 29.26.010 provides that the governing body shall prescribe the rules for conducting an election; and

WHEREAS, the precinct of Kachemak Bay has been divided and the portion across Kachemak Bay has been combined with the Seldovia precinct to create one new precinct referred to as Seldovia/Kachemak Bay precinct; and

WHEREAS, the remaining portion of Kachemak Bay beyond McNeil Canyon has been renamed as the Fox River precinct; and

WHEREAS, the voters of the newly created Fox River precinct have been in an absentee by-mail precinct since 1998; and

WHEREAS, a large population of the newly created Seldovia/Kachemak Bay precinct live in isolated areas that are not conducive for appearing at a polling site in Seldovia on Election Day and have been in an absentee by-mail precinct since 1998; and

WHEREAS, an absentee voting station will be established at the City of Seldovia voting location on Election Day as well as two weeks prior to the election at City Hall per the current practice; and

WHEREAS, the communities of Tyonek, Nanwalek and Port Graham, which are already separately designated as absentee by-mail precincts, have been combined into one new precinct referred to as the Tyonek precinct; and

WHEREAS, designating these precincts as absentee by-mail precincts is reasonable, will result in a cost savings to the Borough, and should also result in a larger voter turnout than would be expected if polling places were set up in these isolated areas; and

WHEREAS, the designation of the new Kachemak Bay/Seldovia and Fox River precincts as absentee by-mail requires an exception to KPB 4.50.015, as it is not possible to accurately count the voting residents who voted in the 2011 regular election for a precinct newly created in 2012, but it is likely the number exceeded 200;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. KPB 4.50.015(A) is hereby amended as follows:

A. Precincts where the voter turnout was less than [75] 200 voters at the last regular election may be designated as "absentee by-mail" precincts by resolution of the assembly. In those precincts, no election workers shall be appointed. The procedures outlined in Chapter 4.120 shall be followed with the following exceptions:

1. that ballots shall be sent to each registered voter in the precinct on or before the 15th day prior to the election; and

2. that voted ballots must be postmarked on or before midnight of election day and received by the clerk no later than the Tuesday following the election.

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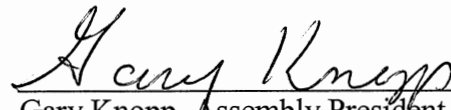
SECTION 2. In accordance with the above amended KPB 4.50.015 and AS 29.26.010, the following precincts are designated absentee by-mail precincts:

Cooper Landing, Hope, Moose Pass, and Tyonek (which now includes the communities of Nanwalek and Port Graham).

SECTION 3. Notwithstanding the voter turnout provision of KPB 4.50.015, for the reasons stated above regarding newly created precincts and in accordance with AS 29.26.010, Seldovia/Kachemak Bay and Fox River are also designated as absentee by-mail precincts.

SECTION 4. That this ordinance takes effect upon its preclearance by the U.S. Department of Justice.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF MAY, 2012.

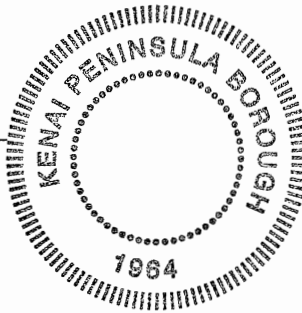


Gary Knopp, Assembly President

ATTEST:



Johni Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None