

**ANCHORAGE, ALASKA
AO No. 2020-XXX**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE TITLE 28, SECTION 28.60.060, REGARDING VOTING BY FAX OR EMAIL.

WHEREAS, the Municipality of Anchorage has allowed transmission of voted ballots through email since 2004; and

WHEREAS, election security officials with the US Election Commission, as well as Municipal Office of Information Technology (OIT), among others, have raised concerns about the transmission of a voted ballot through email; and

WHEREAS, The MOA Elections Team understands a number of Anchorage voters vote by email because they are “snow birds” and travel in the spring during the Anchorage election season, and the number of Anchorage voters voting by email increased in 2020 over 2019 presumably because of the COVID-19 pandemic; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 28.60.060 is hereby amended to read as follows (*the section will appear as follows the remainder of the section is not affected and therefore not set out*):

28.60.060 - Voting by fax or email.

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D. The transmittal to the voter shall contain a copy of the ballot to be used at the election in a form suitable for return transmission. If by fax, a photocopy of the ballot to be used by persons voting in person at the polling locations or by mail is acceptable.

OPTIONS FOR ASSEMBLY MEMBERS:

E. Any voter who receives a ballot by fax or email may only return the voted ballot by mail, by delivery to a vote center or drop box, or by fax, except that a MUOCAVA voter may return the voted ballot by email.

OR

E. Any voter who receives a ballot by fax or email may only return their voted ballot by mail, by delivery to a vote center or drop box, or by fax.

OR

DO NOT PASS THIS ORDINANCE; if you do not pass this ordinance, the status quo remains, and any voter – in Anchorage, in the military overseas, or living overseas, or traveling overseas or even in the U.S. - may return a ballot by fax or email as long as the voter applied to receive and did

received a ballot by fax or email.

If the Assembly chooses to consider a change to paragraph E., the following paragraphs would need to be renumbered as indicated in legislative drafting format; if the Assembly does not pass this ordinance, there are no changes needed.

E. A ballot that is completed and returned by the voter by fax or email must contain or be accompanied by the voter declaration and the following statement: "I understand that by using fax or email to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.", followed by the voter's signature and date of signature.

G.[F.] Deadlines for returning ballot.

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H.[G.] When a completed ballot is received by fax or email, the election official will note the date of receipt on the fax and email ballot application and, if the ballot is received on election day, the time of receipt.

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I.[H.] Ballots returned by fax or email with a missing or mismatched signature are processed as established in section 28.70.020.

J.[I.] Election officials shall prepare facsimiles of all ballots transmitted by fax or email. A ballot transmitted by fax or email shall be counted in the same manner as other ballots, even though this procedure may reveal to one or more election officials the manner in which a particular voter cast his or her ballot. However, it shall be unlawful to display a ballot transmitted by fax or email in a manner revealing the way in which a particular voter cast his or her ballot to any person other than the municipal clerk, a member of the clerk's staff, an election official, or an attorney advising the clerk on legal questions concerning the ballot for the sole purpose of allowing these individuals to perform their duties as necessary to the administration of the election.

(AO No. 2004-21 § 1, 6-1-04; AO No. 2013-130(S-1), § 5, 1-14-14; AO No. 2017-29(S), § 31, 6-1-17; AO 2020-131, 12-22-20)

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 2021.

Chair _____

ATTEST:

Municipal Clerk