

Introduced by: Johnson, Cox
Date: 12/13/22
Hearing: 01/17/23
Action: Enacted as Amended
Vote: 7 Yes, 2 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-44**

AN ORDINANCE AMENDING KPB 4.10.060 AND 4.10.110 TO ELIMINATE THE REQUIREMENT THAT THE INFORMATIONAL ELECTION BROCHURE BE MAILED TO EVERY BOROUGH BOXHOLDER AND TO ELIMINATE THE REQUIREMENT OF THE BOROUGH CLERK TO SEEK AUTHORSHIP ADVOCATING APPROVAL AND REJECTION OF BALLOT PROPOSITIONS

WHEREAS, KPB 4.10.110(A) states the borough clerk shall prepare a brochure that shall contain “of a strictly factual nature” proposition information and “shall be mailed to every borough boxholder”; and

WHEREAS, mailing an informational brochure to every borough boxholder costs the borough approximately \$30,000 for each regular election; and

WHEREAS, the high number of abandoned informational brochures found at local post offices indicates that this is not a resource that everyone finds helpful; and

WHEREAS, publishing the informational brochure online and providing for a mechanism for interested voters to request a hard copy appears to be a more targeted approach; and

WHEREAS, the more targeted approach would include adding information in the notice of election that notifies the voters as to where and how voters can locate and/or request a copy of the informational brochure; and

WHEREAS, printed copies of the informational brochure will be available in the borough clerk’s office, every city clerk’s office throughout the borough and both borough annex offices in Homer and Seward; and

WHEREAS, in addition, the borough clerk’s office will send a postcard to every registered voter that includes a link to the internet address where the voter pamphlet can be found online; and

WHEREAS, KPB 4.10.110(B) requires the clerk to offer authorship of statements by an individual or organization with a stated interest in advocating approval or rejection of propositions to be included in the borough election pamphlet; and

WHEREAS, the administration of this code provision has proven to be difficult and an unnecessary point of contention in the public process; and

WHEREAS, examples of such difficulties include identifying publicly recognized individuals or organizations with stated interests in the proposition; and

WHEREAS, nothing in the code prevents a proponent or opponent of a ballot proposition from submitting a statement in order to further their position on a ballot proposition; and

WHEREAS, there is concern that the use of public funds to advocate for or against any ballot proposition is not appropriate;

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

SECTION 1. Amend KPB 4.10.060(B) to read as follows:

4.10.060. Notice of election.

...

B. Each notice of election shall include:

1. The type of election, whether regular, special or runoff;
2. The date of the election;
3. The hours the polls will be open;
4. The offices to which candidates are to be elected;
5. The subjects of propositions to be voted upon;
6. Voter qualifications and instructions for registration;
7. Instructions for application for absentee voting;
8. Precinct polling places;
9. The KPB web address where the informational brochure will be published;
10. The locations printed copies of the informational brochure will be available;
11. The borough clerk's office contact information.

SECTION 2. Amend KPB 4.10.110(A) to read as follows:

4.10.110. Informational brochures for ballot propositions.

- A. Fifteen days prior to each regular or special election the borough clerk shall prepare [AND MAIL TO EVERY BOROUGH BOXHOLDER] a brochure containing information approved by the assembly of a strictly factual nature pertaining to each proposition on the ballot, [EXCEPT AS PROVIDED BELOW IN THIS SECTION]. The informational brochure shall be published on the borough's election webpage and hard copies will be made available at the borough clerk's office, all city clerk offices and the

borough's annex offices in Seward and Homer. A voter may request a printed copy with the borough clerk's office.

SECTION 3. Repeal KPB 4.10.110(B) in its entirety.

SECTION 4. That for all Borough elections, for the three years following enactment of this ordinance, the Borough Clerk will send out postcard mailers to all Borough boxholders that provides information for where the informational voter brochure may be found and that a voter can obtain a printed copy with the Borough Clerk's Office.

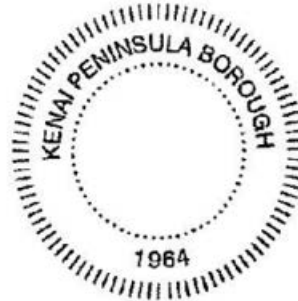
SECTION 5. That this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH 17TH DAY OF JANUARY, 2023.


Brent Johnson, Assembly President

ATTEST:


Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Ecklund, Hibbert, Ribbens, Tupper, Johnson
No: Derkevorkian, Elam
Absent: None