

# Kenai Peninsula Borough Mayor's Office

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## MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Peter A. Micciche, Mayor *PM*

**DATE:** July 20, 2023

**RE:** **Amendment #1** to Ordinance 2023-15, Amending Borough Code Title 4, Elections, Regarding Declared Write-In Candidates, Canvass of Election Returns, Public Notice, and Certification of Election Results (Mayor, Johnson, Ribbens)

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[Please note the bold underlined language is new and the strikethrough language in brackets is to be deleted.]

- Add a new SECTION 1, to read as follows:

**SECTION 1.** That KPB 4.10.040 is hereby amended to read as follows:

**4.10.040. Administration of election.**

- A. The assembly shall prescribe the general rules for the conduct of borough elections.
  - B. The borough clerk, in accordance with the provisions of this title, shall administer all borough elections.
  - C. **An election worker or other borough employee who knowingly violates a provision of this title or aids another in violating a provision of this title may be subject to disciplinary action or other remedies in accordance with KPB 1.24.020.**
- Renumber the remaining Sections in the Ordinance accordingly.

- Amend renumbered SECTION 6, to read as follows:

**SECTION 6.** That KPB 4.90.050 is hereby amended to read as follows:

**4.90.050. Certification of the election results.**

- A. As soon as possible after completion of the canvass, but no later than the Tuesday following the election, the assembly shall meet in public session to receive the report of the canvass board. [FOR A RUN-OFF ELECTION WHICH IS HELD THE SAME YEAR AS A STATE ELECTION AND A SCHEDULING CONFLICT

EXISTS, THE ASSEMBLY SHALL MEET IN PUBLIC SESSION TO RECEIVE THE REPORT OF THE CANVASS BOARD, NO LATER THAN THE SECOND WEDNESDAY FOLLOWING THE ELECTION.] If, after considering the report, the assembly determines that the election was validly held, the election shall be certified by resolution and entered upon the minutes of the meeting, together with the total number of votes cast for each candidate and for or against each proposition or question. **If an emergency, disaster, or other event precludes the assembly from meeting and receiving the report of the canvass board on the Tuesday following the election, then the assembly shall call a special meeting within 48 hours of it being safe or practical to meet.**

- B. If the canvass board reports that a failure to comply with provisions of state law and borough ordinances, or an illegal election practice has occurred, and that such failure is sufficient to change the outcome of the election, then the assembly may exclude the votes cast in one or more precincts where such failure or illegal practices occurred from the total returns, or may declare the entire election invalid and order a new election.
- C. If the canvass board reports an apparent discrepancy in the returns of one or more precincts, the assembly may order a recount of votes cast in said precinct or precincts. Such recount shall be conducted immediately by the canvass board and the results shall be reported to the assembly. The assembly shall meet as soon as possible to certify the results of the election recount.
- D. Upon certification of a valid election, the clerk shall deliver to each person elected to office a certificate of election, signed by the clerk and authenticated by the seal of the borough.

Your consideration is appreciated.