

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 20-04

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, AMENDING CHAPTER 7.04 BY CREATING SECTION 7.04.200 TITLED ELECTIONS EMERGENCY PLAN

WHEREAS, unforeseen circumstances and public emergencies may disrupt the normal administration of an election and changes are necessary to protect the voter franchise, security and privacy of the ballots, and integrity of the election; and

WHEREAS, the current spread of the Coronavirus (Covid-19) and public health advisories on how to protect oneself and the public have prompted the municipal clerk to develop emergency plan provisions to address effects of Covid-19 on voters and election workers; and

WHEREAS, adopting an emergency plan for elections shall empower the municipal clerk to take necessary actions to preserve the integrity of the election and provide eligible voters the opportunity to vote.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA THAT, the following amendment is made to Section 7.04.200 of the Valdez Municipal Code:

Section 1. Section 7.04.200 is hereby created to read as follows:

ELECTIONS

Sections:

- 7.04.010 General provisions.
- 7.04.020 Elections—Timing of, offices elected, etc.
- 7.04.030 Notice of elections.
- 7.04.040 Qualifications of electors and candidates.
- 7.04.050 Manner of making nominations, nominating petitions.
- 7.04.060 Withdrawal of declaration of candidacy petitions.
- 7.04.070 Precincts—Polling places.
- 7.04.080 Time for opening and closing polls.
- 7.04.090 Election officials—Specified—Appointment—Duties.
- 7.04.100 Ballots.

- 7.04.110 Election materials and expenses.
- 7.04.125 Optically scanned ballot tabulation and other ballot counting systems—Authorized.
- 7.04.130 Use of watchers.
- 7.04.140 Delivery of precinct results.
- 7.04.150 Canvassing of votes—Declaration and certification of results.
- 7.04.160 Tie votes.
- 7.04.170 Absentee voting—Generally.
- 7.04.175 Absentee voting by electronic transmission.
- 7.04.180 Absentee and questioned ballot counting board—Procedures.
- 7.04.190 Recounts.
- 7.04.200 Elections - Emergency Plan

7.04.200 Elections – Emergency Plan

A. Policy. It is the policy of the city to encourage and assist voters in the exercise of their right to vote. Certain unforeseeable circumstances, whether through natural disaster or human error or other similar events, could severely impede the timely and efficient conduct of an election. This chapter is intended to empower the municipal clerk to take necessary actions to enfranchise voters and protect the election results.

B. Definition. *Emergency* means an event of such a nature that a significant number of people will not have the opportunity to vote on the day of the election if the municipal clerk does not take immediate action and an effort to enact and implement an emergency ordinance by the city council under Valdez Charter 4.1 (b) is not practical given the totality of the circumstances.

C. Powers of the Municipal Clerk. In an emergency, the municipal clerk is authorized to take action to preserve the integrity of the election, while at the same time allowing people to vote who might otherwise not get an opportunity.

D. Actions authorized under this chapter may include, but are not limited to:

1. Requesting expedited relief from a court of competent jurisdiction;
2. Keeping all or some polling locations open longer than otherwise allowed by code;
3. Closing all or some polling locations permanently or for a limited time regardless of the requirements of this title, while providing eligible voters other opportunities to vote;
4. Accepting applications to vote at temporary addresses, to vote electronically, or for special needs voting after the deadlines in this title but before the close of the election.

5. Moving polling locations, or establishing a central voting location and ballot drop boxes, and;

6. Accepting votes not cast on official ballots.

E. The municipal clerk shall take steps to maintain a record of the action taken and, if possible, adequately segregate votes cast, so that a court may rule on action taken and accurately add or subtract votes as may be necessary.

F. The municipal clerk shall provide public notice of changes to matters required by other sections of this title. This includes the notice of election, polling locations, and absentee voting.

G. Assistance of peace officers. If weather, road conditions, or other unforeseen circumstances prevent election officials from delivering election materials or ballots to or from the polling locations, or other accessible vote centers, or the designated return location, the municipal clerk may cause the delivery to be made by a peace officer or other city official.

Section 2. This emergency ordinance shall take effect immediately following adoption by the affirmative vote of six council members.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this _____ day of _____, 2020.

CITY OF VALDEZ, ALASKA

Jeremy O'Neil, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

Jake Staser, City Attorney
Brena, Bell, & Walker, P.C.

Adoption:
Yeas:
Noes:
Absent:
Abstaining: