

Proposed Amendment to Mail-in Ballot/Absentee Ballot Code Changes.

Restructuring Sections 5.18.090 and 5.20.060 and
Permitting Ballots to be on the Fifth Day after Election Day.
7.28.20

5.18.090 Tabulation of mail-in ballots.

A. No mail-in ballots shall be tabulated before the official closing of the polls on election day.

B. An otherwise legally sufficient mail-in ballot shall be tabulated only if it is:

1. Post-marked with a date that is no later than election day and received via mail by the City Clerk before five o'clock in the afternoon on the ~~fourth~~ fifth business day after election day; or
2. Received by other means established by the City Clerk provided that the mail-in ballots received by other means are received prior to the closing of the polls on election day.

A mail-in ballot that does not meet these requirements shall not be counted.

C. A mail-in ballot shall be rejected if:

1. The election judges determine the voter died before election day;
2. The voter failed to sign the oath on the ballot envelope;
3. More than one ballot was received from the same voter for the same City election in the same ballot envelope;
4. The election judges determine that the ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot; or
5. Election judges determine the mail-in ballot was issued to a person other than the person utilizing it to cast a vote.

D. If more than one legally sufficient mail-in ballot is received in separate envelopes from the same voter, then the election judges shall count only the first legally sufficient ballot received and shall reject any other mail-in ballot received from the voter.

E. All mail-in ballot envelopes and mail-in ballots shall be retained by the City Clerk for three months after the date of the election and may then be destroyed, unless prior to that time the City Clerk is ordered by a court of competent jurisdiction to keep the same for any longer period.

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5.20.060 Tabulation of absentee ballots.

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B. An otherwise legally sufficient absentee ballot shall be tabulated only if it is:

1. Post-marked with a date that is no later than election day and received via mail by the City Clerk before five o'clock in the afternoon on the ~~fourth~~ fifth business day after election day; or
2. Received by other means established by the City Clerk provided that the absentee ballots received by other means are received prior to the closing of the polls on election day.

An absentee ballot that does not meet these requirements shall not be counted.