

**CITY OF GUSTAVUS
ORDINANCE FY23-03**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR AMENDMENT OF CITY
ORDINANCE TITLE 5 ELECTIONS, CHAPTER 5.40 – ABSENTEE VOTING, SECTIONS
5.40.100 AND THE REPEAL AND REPLACEMENT OF, CHAPTER 5.60 – CONTEST OF
ELECTION, SECTIONS 5.60.010, 5.60.020**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

- Section 1. Classification. This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.
- Section 3. Enactment. Now therefore, it is enacted by the Gustavus City Council that Title 5 Elections, Chapter 5.40 – Absentee Voting, Sections 5.40.100, and Chapter 5.60 – Contest of Election, Sections 5.60.010, 5.60.020 be amended, repealed, and replaced as follows:

Bold and Underlined items are additions. ~~Strikeout~~ items are deletions.

Title 5 – ELECTIONS

Chapter 5.40.100 – ~~Reserved~~ **Personal-representative voting**

Section 5.40.110 – Personal-representative voting; eligible persons

A qualified voter who, due to age, illness, or disability, is unable to go to a polling place to vote may vote with the assistance of a personal representative.

Section 5.40.120 – Personal-representative voting; requests

The voter, or the voter’s personal representative, may request a ballot from:

- (a) The Clerk or an election official at an early voting location designated by the Clerk at a time when the voting location is in operation; or**
- (b) An election official at a polling place on election day.**

Section 5.40.130 – Personal-representative voting; ballot and envelope form

The ballot provided to personal representative voters shall be identical to the ballots prepared for regular voters and used on election day. The ballot secrecy sleeve and the oath of affidavit envelope shall be smaller than the return envelope so they may be easily enclosed in the return envelope. The ballot secrecy sleeve shall be marked "Ballot Envelope" and have no other marks upon it. The oath of affidavit envelope shall have printed upon it the oath and affidavit. The ballot envelope and the return envelope shall be of heavy opaque paper.

- (4) Ballot
- (5) Secrecy sleeve
- (6) Outer envelope for personal representative voting

(m) No person who is a candidate or immediate family member of a candidate for office, may act as a personal representative for a voter.

(n) Ballots submitted by a personal representative in violation of the provisions of this section shall be rejected with written notice to the voter.

~~Section 5.60.010—Contest of election; contestant.—~~

~~(a) Any qualified voter may contest the election of any person and the approval or rejection of any question or proposition.~~

~~(b) Any qualified voter who believes that prohibited practices occurred at an election may contest the election by:~~

~~(1) Filing a written affidavit with the city clerk specifying with particularity the provisions of the law which the voter believes were violated and the specific acts he believes to be misconduct;~~

~~(2) This affidavit must be filed with the city clerk before or during the first meeting of the election review committee on the Friday following the election. The city clerk shall acknowledge the date and time the affidavit is received on its face and make a photocopy of the affidavit which shall be given the contestant.~~

~~(Ord. No. FY21 15 , § 3, 2 8 2021)~~

~~Section 5.60.020—Contest of election; council.~~

~~The city council may order an investigation or a recount of the ballots or, declare the election invalid and order a new election, or declare the affidavit of election contest without merit and certify the results of the election.~~

Chapter 5.60 – Contest of election

Section 5.60.010 Contest of election; contestant

(a) Any candidate or qualified voter may contest the election of any candidate and the approval or rejection of any question or proposition by filing a notice of election contest with the clerk or election official by 4:00 PM the day prior to certification of the election.

(b) The notice of election contest shall state the following grounds of the contest in detail and shall be signed under oath by the candidate or each of the qualified voters filing it:

(1) Misconduct, fraud, or corruption on the part of an election official, sufficient to potentially change the result of the election;



Mike Taylor, Mayor



Attest: Karen Platt CMC, City Clerk