

Kenai Peninsula Borough Code

- **4.10.100. - Prohibition on use of public moneys to promote passage of ballot propositions.**

A.

The use of public moneys, or facilities, equipment or supplies purchased with public moneys, and services of public employees in kind, to promote the passage of ballot propositions including public expenditures, appropriations or bond issues is prohibited.

B.

The term "promote" is defined as an attempt to influence, whether affirmatively or negatively, the vote of the people upon ballot propositions or bond issues. The term "promote" does not encompass the following and similar activities:

1.

the publication, circulation or mailing of informational items or legal notices pertaining to proposed bond issues or ballot propositions, so long as any such literature distributed to the public, or to news media, fairly and fully presents information needed by the public to make an informed vote upon any ballot propositions, or bond issue;

2.

the participation by borough general government or school district personnel in public discussions, or interviews with news media, relating to proposed ballot propositions or bond issues.

C.

Borough-owned schools, buildings and other facilities may be utilized for public meetings, discussions, and other assemblies by private groups supporting or opposing any ballot proposition or bond issue. General government and school district employees may arrange for public meetings and assemblies where the advantages and disadvantages of a proposed ballot proposition or bond issue are fairly presented by opponents and proponents of the item.

D.

No posters, fliers or other printed material advocating or opposing a ballot proposition or bond issue may be displayed in any borough owned or controlled building or facility except in a single area of general public access designated by the building supervisor. Both proponents and opponents of the ballot item shall be accorded equal access to the space.

E.

The constitutional rights of public employees to express their personal views on proposed bond issues and ballot propositions during public meetings or in interviews with news media shall not be abridged by this title. However, any employee expressing his or her personal views shall clearly state that the statements reflect personal or professional beliefs only and do not represent the position of the borough or the school district.

(Ord. No. 94-08, § 1(part), 1994; Ord. No. 84-28, § 1(part), 1984)

- **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.

B.

Notwithstanding KPB 4.10.100, statements advocating voter approval or rejection of propositions shall be included in the Informational Brochure in accordance with this subsection.

1.

The clerk shall provide the opportunity for statements advocating voter approval and rejection of propositions in the election pamphlet. The clerk shall offer authorship of the statement advocating voter approval or rejection by applying the following criteria:

a)

The clerk shall offer authorship of the statement advocating voter approval of a proposition to the prime sponsor of the initiative, referendum, or recall petition that successfully filed the ballot proposition;

b)

The clerk shall offer authorship of the statement advocating voter approval of a proposition that has been placed on the ballot through an Assembly crafted ordinance or resolution, and not through the initiative, referendum, or recall petition process, to an individual or organization with a stated interest in approval of the proposition;

c)

The clerk shall offer authorship of the statement advocating voter rejection to an individual or organization with a stated interest in rejection of the proposition.

2.

The clerk shall establish a deadline for the submission of a statement under this section. A statement advocating voter approval or rejection must be received by the clerk by the established deadline date.

3.

A statement submitted under this section may not exceed 500 words.

4.

A statement submitted under this section must include a signer's bloc located at the bottom of the statement. The signer's bloc must include no more than three signers. Any signers more than the allotted three will be considered endorsements and counted against the 500-word limit. Signers must include their full names and organizations, if any.

5.

Signers shall sign a form prepared by the clerk indicating that the signers participated in the drafting of the statement.

6.

The clerk shall accept statements meeting the requirements of KPB 4.10.110(B) and will not release statements submitted until the day following the deadline date for submittal.

7.

The clerk may appoint a coordinator for the drafting of the statements under this section.

8.
Statements accepted by the clerk advocating either voter approval or rejection shall be published. If only one statement is received before the clerk's deadline then it shall be published.

9.
The clerk will add a disclaimer to each initiative, referendum or recall noting the text of the ballot proposition is presented as submitted by the petition sponsors. The clerk will add a disclaimer to each statement noting the information is the opinion of the author(s) and has been reproduced as submitted, without any changes to grammar, spelling or punctuation.

10.
The assembly shall provide the corresponding financial data revealing the gross revenue stream affected by and relevant to any estimate of revenue loss or financial data cost in all of its proposition summaries.

11.
The presentation order for each proposition shall be:

a)
Text of the ballot proposition or sample ballot;

b)
Proposition summary approved by the assembly of a strictly factual nature;

c)
A statement advocating voter approval;

d)
A statement advocating voter rejection.

(Ord. No. 2015-15, § 1, 6-16-15; Ord. No. 2014-24, § 1, 7-22-14; Ord. No. 2007-16, § 1, 6-19-07, eff. 1-1-08; Ord. No. 94-08, § 1(part), 1994; Ord. No. 85-80, 1995)