

CITY OF HOMER, ALASKA
ORDINANCE NO. 90-42 (Amended)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,
AMENDING TITLE 4, ELECTIONS

WHEREAS, Alaska Statutes 29.26.010 requires the city council to appoint an election board for the conduct of municipal elections; and,

WHEREAS, Alaska Statutes 29.26.060 allows municipalities to opt out of the runoff election process; and,

WHEREAS, Alaska Statutes 29.26.070 sets forth certain provisions controlling the municipal process of an election contest and appeal, and the payment of expenses related thereto;

THE CITY OF HOMER ORDAINS:

Section 1. Section 4.04.090 of the Homer City Code is hereby repealed and re-enacted to read as follows:

4.04.090 Election board. a. The City Council shall appoint an election board composed of at least three judges for each City precinct. One judge shall be designated chairman and shall be primarily responsible for administering the election in that precinct. When a City election corresponds with an election conducted by the Kenai Peninsula Borough, the City Council shall appoint the same election board as appointed by the Borough.

b. The City Clerk shall be the election supervisor. The City Clerk may appoint clerks and counters for any precinct where they are needed to conduct an orderly election and to relieve the election judges of undue hardship. If any appointed election board member is unable or refuses to serve on election day, the Clerk shall appoint a replacement for that member.

c. Each election board member serving at a precinct polling place must be a qualified resident voter in the precinct for which the board member is appointed; provided, however, that if no qualified resident voter is available and willing to serve, a voter from another precinct may be appointed.

d. Each election board member, before assuming the duties of the office, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the City Clerk.

e. Any election board judge may administer to a voter any oath that is necessary in the administration of an election.

f. A candidate, a member of a candidate's immediate family, or a resident of a candidate's household shall not serve as an election board member for the election in which the candidate is running.

Section 2. Deleted.

Section 3. Subparagraphs e. and f. of section 4.04.190 of the Homer City Code are hereby amended to read as follows:

e. If a tie vote exists/ and only one of the candidates so tied may hold office under the laws establishing the office voted for, the tie shall be broken by a single coin toss conducted by the City Council at a regular or special meeting. The first candidate to have filed a nominating petition shall call the coin during the toss. A tied candidate may designate a representative to participate in the coin toss in his absence. The designation shall be made in such a manner that the Clerk is assured of its authenticity.

f. The candidate receiving the required plurality of the total votes cast for his respective office or, in the case of a tie, winning the coin toss provided at e., shall be determined to have been elected to that office. The Council shall certify the results of the election at the next regular or special City Council meeting following completion of the canvass by the Canvassing Board.

Section 4. The first sentence of subparagraph b. of section 4.04.230 of the Homer City Code is hereby amended to read as follows:

The candidate or voters initiating a contest shall file a written affidavit with the City Clerk prior to certification of the election or shall appear before the governing body City Council at the meeting held to certify the election returns and shall deliver a written notice of contest//or such written notice shall be filed with the clerk no later than three full working days following certification of the election by the City Council.

Section 5. Subparagraph e. of section 4.04.230 of the Homer City Code is hereby amended to read as follows:

Unless the grounds for which the contest was brought are determined to be valid//the candidate or contestants shall be individually liable for the whole amount of the expenses incurred by the city in its investigation and deliberation of the election contest//Any person contesting an election as provided herein shall post a cash bond in the amount of seven hundred fifty dollars guaranteeing payment of the cost

of contest as surety for such costs. ~~If the contest is shown to be valid/~~ If the recount fails to reverse a result of the election or the difference between the winning and losing vote on the result contested is more than two percent, the candidate or voters contesting the election shall be individually and collectively liable for the whole amount of the expenses incurred by the City in its investigation and deliberation of the election contest; otherwise//If the contest is shown to be valid the bond shall be refunded in full.

Section 6. Section 4.04.240 of the Homer City Code is hereby amended to read as follows:

4.04.240 Expenses++City to pay++Exception. The City shall pay all necessary election expenses, including those of securing polling places of polls and providing ballot boxes, ballots, voting booths/ or screens, national flags and other supplies and any wages due election officials unless otherwise provided by this Code. ~~However//all expenses of making recount pursuant to an election contest shall be paid by the candidate or voters contesting the election//unless the results of the election are changed by the recount//If the recount is obtained by voters, each of them shall be individually or collectively responsible for the whole amount of such expense/~~ The City shall pay each election board/member official the hourly rate for similar election officials for State elections for the time spent at their election duties, including the receiving of instruction.

Section 7. This is a general ordinance of a permanent nature and the provisions of Section 1 through Section 6 as contained herein shall be codified for inclusion in the Homer City Code.

Section 8. The City Clerk shall pre-clear the provisions of this ordinance with the U.S. Department of Justice pursuant to the Federal Voting Rights Act.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 17th day of December, 1990.

THE CITY OF HOMER, ALASKA


HARRY GREGOIRE, MAYOR

AYES: 6
NOES: 0
ABSENT: 0
ABSTAIN: 0

ATTEST:

Mary L. Shannon
Mary L. Shannon
City Clerk

(City Seal)

First Reading: 11/19/90
Public Hearing: 12/10/90
Second Reading: 12/17/90
Effective Date: 12/18/90

Reviewed and approved as to form and content:

C. E. Swackhammer
C. E. Swackhammer, City Manager

Gordon J Tans
Gordon J Tans, Perkins Coie