



# City of Homer

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Homer City Council

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 21-093

TO: Mayor Castner and Homer City Council

FROM: Councilmembers Aderhold, Smith, and Hansen-Cavasos

DATE: June 10, 2021

SUBJECT: Updates to Title 4 (Elections) of Homer City Code related to candidate eligibility and contesting elections

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From time to time, city council has opportunity to apply a rarely used section of Homer City Code. In that process we tend to find inconsistencies and have numerous questions to accurately and transparently follow process for city staff, council, and the public. Such was the case when city council experienced an election contest in fall 2019. Based on that experience, councilmembers Aderhold, Smith, Hansen-Cavasos met with City Clerk Jacobsen to review Title 4 Homer City Code related to elections. Our intent is to update, clarify, and improve processes related to candidate eligibility and processes for contesting an election.

Ordinance 21-35 revises several sections of Title 4:

- Section 4.10.040 related to candidate qualifications/eligibility is rewritten to better define the process used by the clerk's office to determine the eligibility of a candidate, the methods for disqualifying a candidate, and the process for a person to question the eligibility of a candidate and the clerk's response.
- Section 4.35.040 related to election certification is revised to clarify that in the event that a contest has been filed the city council should certify election results not in question.
- Section 4.45 related to election recount is amended in several subsections to clarify the process for a recount, particularly related to an application for a recount by a defeated candidate or qualified voters, the deposit required to apply for a recount, and the process for apportioning recount expenses.
- Section 4.50 related to contesting an election is extensively revised to lay out a clear process for a candidate or qualified voters who contest an election, councilmembers who apply the process, and city staff who conduct the investigation.

We welcome questions and discussion on this ordinance. We believe well written, transparent, and easy to follow election code is imperative for our city elections.

Recommendation: Introduce Ordinance 21-35 on June 14, discuss, and adopt on June 28.