

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Smith/Aderhold

4 **ORDINANCE 18-52**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE 4.35.020, VOTES REQUIRED TO BE
8 ELECTED, TO MORE CLEARLY DEFINE HOW A PLURALITY OF
9 VOTES IS CALCULATED IN COUNCILMEMBER ELECTIONS.

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11 WHEREAS, Homer City Code 4.35.020 provides that to be elected to the Council, a
12 candidate must receive more than the plurality of the total votes cast for all candidates for
13 Council divided by the number of seats filled; and

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15 WHEREAS, Homer City Code 4.35.020 defines a plurality of votes as a percentage of total
16 votes cast in the election and the same percentage is used for both Mayoral and Council
17 elections; and

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19 WHEREAS, Two seats on the Council are open for election each year requiring that the
20 total votes cast for all candidates be divided by two; and

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22 WHEREAS, When calculating the percentage of the vote required to achieve a plurality
23 in order to determine election results, the percentages for Council Member elections are, in
24 effect, doubled when compared to the percentages required for a plurality in the Mayoral vote;
25 and

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27 WHEREAS, This method of calculating a plurality in Council Member elections often
28 creates confusion on how to calculate the required percentages to achieve a plurality; and

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30 WHEREAS, Eliminating the requirement to divide the total votes cast by two when
31 calculating whether a plurality of votes has been achieved in Council Member elections and
32 correspondingly amending the required percentage of the vote that is required to achieve a
33 plurality by dividing that percentage by two such that a candidate for council would need to
34 receive 20% of the votes cast when there are less than five candidates and 17.5% of the votes
35 when there are five or more candidates is a clearer way to define how a plurality is calculated;

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37 WHEREAS, This amendment would also clarify how to calculate the required plurality
38 to be elected to fill a vacancy in the office of Mayor and a vacant council seat; and

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40 WHEREAS, This amendment would not alter the number of votes that would need to be
41 received in order to be elected to the Council and would not alter the definition of a plurality
42 for Mayoral elections.

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NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Homer, Alaska that:

Section 1. Homer City Code 4.35.020 entitled “Votes required to be elected” is hereby amended to read:

4.35.020 Votes required to be elected.

The number of candidates for an office equal to the number of vacancies to be filled who receive the highest number of votes for the office shall be elected; provided, that:

- a. To be elected to the office of Mayor **or to fill a specific vacant council seat,** a candidate must receive ~~more than~~ **at least** the plurality of the votes cast for Mayor **that seat.** ~~determined by subsection (c) of this section; and~~ **The plurality of the vote that is required for a candidate to be elected to the office of Mayor or to fill a specific vacant council seat shall be based on the number of qualified candidates who filed declarations of candidacy that remain in effect on the date of the election as follows:**

<u>Number of candidates</u>	<u>Percentage of vote</u>
<u>Less than five</u>	<u>40%</u>
<u>Five or more</u>	<u>35%</u>

- b. To be elected to the Council, a candidate must receive ~~more than~~ **at least** the plurality ~~determined by subsection (c) of this section of the total votes cast for all candidates for Council divided by the number of seats to be filled.~~ The plurality of the vote that is required for a candidate to be elected to the Council shall be based on the number of qualified candidates who filed declarations of candidacy that remain in effect on the date of the election as follows:

<u>Number of candidates</u>	<u>Percentage of vote</u>
<u>Less than five</u>	<u>20%</u>
<u>Five or more</u>	<u>17.5%</u>

- ~~c. The plurality of the vote that is required for a candidate to be elected shall be based on the number of qualified candidates who filed declarations of candidacy that remain in effect on the date of the election as follows:~~

<u>Number of candidates</u>	<u>Percentage of vote</u>
<u>Less than five</u>	<u>40%</u>

Number of candidates **Percentage of vote**
~~Five or more~~ 35%

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- c. When filling a vacancy under HCC 2.08.050 the following sections will apply:**
- i. For a single vacant council seat or a vacancy in the office of Mayor, votes will be counted according to (a) of this section;**
 - ii. For two vacant council seats that are vacated with different terms, votes will be counted according to (a) of this section;**
 - iii. For two vacant council seats that are vacated with the same term, votes will be counted according to (b) of this section.**

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 3. This ordinance is of a permanent and general character and shall be included in the Homer City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2018.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

113 Introduction:

114 Public Hearing:

115 Second Reading:

116 Effective Date:

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119 Reviewed and approved as to form:

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121 _____

122 Katie Koester, City Manager

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124 Date: _____

Holly Wells, Attorney

Date: _____