

**CITY OF HOMER
HOMER, ALASKA**

Smith/Aderhold

ORDINANCE 18-52

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

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

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

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

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

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

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

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

WHEREAS, This amendment would not alter the number of votes that would need to be received in order to be elected to the Council and would not alter the definition of a plurality 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 at least the plurality of the votes cast for Mayor that seat. 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:

Number of candidates	Percentage of vote
Less than five	40%
Five or more	35%

- b. To be elected to the Council, a candidate must receive at least the plurality of the total votes cast for all candidates for Council. 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:

Number of candidates	Percentage of vote
Less than five	20%
Five or more	17.5%

- 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.

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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.

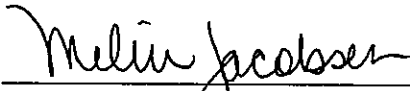
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 14th day of January, 2019.

CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0

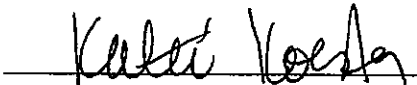
Introduction: 12-10-18

Public Hearing: 1-14-19

Second Reading: 1-14-19

Effective Date: 1-15-19

Reviewed and approved as to form:



Katie Koester, City Manager

Date: 1-17-19



Holly Wells, Attorney

Date: 1-28-19