

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 24-017

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA OPPOSING AND PROVIDING COMMENTS ON ALASKA STATE HOUSE BILL 250, TITLED "AN ACT RELATING TO MUNICIPAL AND SCHOOL BOARD ELECTIONS; DECLARING ELECTION DAY A HOLIDAY; RELATING TO TERMS OF OFFICE FOR MUNICIPAL MAYORS, MUNICIPAL GOVERNING BODIES, ELECTED UTILITY BOARDS, AND SCHOOL BOARDS; AND PROVIDING FOR AN EFFECTIVE DATE"

WHEREAS, The Alaska House of Representatives introduced House Bill (HB) 250 on January 16, 2024 and referred the bill to the Community and Regional Affairs and State Affairs committees; and

WHEREAS, HB250 would, among other things, amend Alaska Statute (AS) Title 29 in the following ways:

1. Require municipalities to hold regular elections on the Tuesday after the first Monday in November of each even-numbered year,
2. Require municipal elected officials to have four-year terms,
3. Further prescribe how municipalities hold special elections in response to a petition, and
4. Remove the ability of a municipality to select an election date that works best for a community and change the term of office for elected officials; and

WHEREAS, HB250 would make the Tuesday after the first Monday in November of each even numbered year a holiday known as Election Day; and

WHEREAS, HB250 prescribes a transition to the new system in which the municipal mayor and all members of the municipal governing body would be voted on during an election held on November 3, 2026; and

WHEREAS, Alaska's constitution, Article 10 – Local Government, begins by stating "The purpose of the article is to provide for maximum local self-government ... A liberal construction shall be given to the powers of local government units."; and

WHEREAS, AS 15.15.100 stipulates that qualified voters be given time off to vote in state elections if they do not have sufficient time outside working hours to vote; and

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WHEREAS, Within the State of Alaska, state and federal races are partisan and municipal elections (boroughs and cities) are nonpartisan; and

WHEREAS, The City of Homer is a first class city within the Kenai Peninsula Borough (KPB) with an elected mayor holding a two-year term and six city council members holding three-year terms; and

WHEREAS, The City of Homer coordinates elections with the KPB; and

WHEREAS, While state and municipal elections may be held on the same day and at the same locations, they would continue to be separate elections requiring separate election workers and voting equipment; and

WHEREAS, Many election workers are employed by the state and the boroughs/cities to conduct elections, the KPB hires approximately 300 poll workers each year, and if state and KPB elections were held on the same day, approximately 600 poll workers would be needed; and

WHEREAS, In recent years, election workers have been difficult to hire; and

WHEREAS, Voting locations in the City of Homer may be space constrained if three elections (state, borough, city) were held simultaneously; and

WHEREAS, For the City of Homer, the current municipal pattern of elections, with annual elections and three-year terms of office for council members, results in two council seats up for election each year, meaning that the maximum change in council members is one-third (two) of the seats and allows for gradual transition of the city council from year to year and time for new council members to learn from more experienced colleagues gaining understanding and knowledge of municipal governance; and

WHEREAS, The proposed four-year terms and elections every other year would mean that half of the council could change in one year, which could be disruptive to city policy making and the functioning; and

WHEREAS, Holidays cost municipalities money in overtime costs for certain employees (e.g., police officers, municipal clerks) who are required to work those days; and

WHEREAS, The transition election stipulated in HB250 on November 3, 2026 would have several ramifications for the City of Homer:

- 83 • Because city council members run for at-large seats, the number of individuals running
84 for six seats could be large and it could be difficult for any one candidate to receive the
85 required percentage of votes required by city code to be elected to office,
86 • The mayor and all council seats could turnover in one election cycle, leading to a
87 significant disruption in local governance and the effective delivery of services to the
88 public.

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90 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, opposes
91 HB250.

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93 BE IT FURTHER RESOLVED that the Homer City Council provides the following
94 comments:

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96 • HB250 removes important local control in the conduct of municipal elections.
97 Municipalities should maintain the ability to decide when it is best to hold local
98 elections based on their constituencies and needs.

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99 • HB250 removes important local control in determining the terms of office for municipal
100 elected officials. The City of Homer passed an ordinance that the mayor is elected every
101 two years; municipalities should continue to make these decisions locally.

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102 • AS 15.15.100 currently pertains to providing time off for state elections. This statute
103 could be amended to include similar provisions for municipal elections instead of
104 establishing a new state holiday.

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105 • Most municipal elections are nonpartisan. Holding a partisan state election with a
106 nonpartisan municipal election could inadvertently increase the partisanship of
107 municipal elections and change the way municipal elected bodies work together on
108 municipal policy issues.

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109 • We ask legislators to consider the state and municipal fiscal impacts of making the state
110 regular election day a holiday. Legislators should also consider whether state primary
111 election day should be a holiday.

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112 • We ask legislators to consider the ramifications of holding two (or three in the case of
113 the City of Homer and many other cities within organized boroughs) elections
114 simultaneously. Election workers are already difficult to find, and many election
115 workers work for the municipalities and the state, making it potentially difficult for both
116 the state and municipalities to hire enough people to successfully run elections.

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117 • Currently, there is one vendor in the State of Alaska certified to print ballots. While this
118 vendor has told the Homer City Council that they have the capacity to print state and
119 municipal ballots for elections on the same day, longer lead times for printing may be
120 necessary and if an error in a state ballot occurs (this has happened, based on a decision
121 by a Lieutenant Governor), all other printing would stop until the error is corrected. This
122 could lead to some municipalities not receiving ballots in time for an election.


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123 • The potential turnover of half (or full, in the case of the transition election) of city
124 council members and the mayor in one election could be highly disruptive to the
 functioning of municipal governments.

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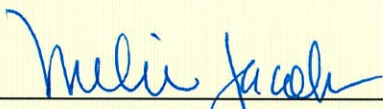
PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA, THIS 12th day of
February 2024.

CITY OF HOMER



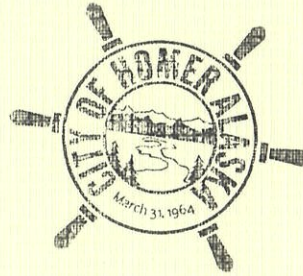
KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A



HOUSE BILL NO. 250

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MCCABE

Introduced: 1/16/24

Referred: Community and Regional Affairs, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to municipal and school board elections; declaring Election Day a**
2 **holiday; relating to terms of office for municipal mayors, municipal governing bodies,**
3 **elected utility boards, and school boards; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 14.08.061(a) is amended to read:

6 (a) Members elected to a regional school board shall serve **four-year**
7 **[STAGGERED THREE-YEAR]** terms. However,

8 (1) the term of office of all of the members of a regional school board
9 elected from the same multi-member section may not expire at the same time; and

10 (2) for the first board elected, the term of office of each member shall
11 be determined by lot, according to the following schedule:

12 (A) the members of the first five-member school board shall
13 hold office for terms as follows: **three members** [ONE MEMBER] for a **four-**
14 **year** [ONE-YEAR] term **and** [;] two **members** for a two-year term [AND

1 TWO FOR A THREE-YEAR TERM];

2 (B) the members of the first seven-member school board shall
3 hold office for terms as follows: four [TWO] members for a four-year [ONE-
4 YEAR] term and three members [; TWO] for a two-year term [AND THREE
5 FOR A THREE-YEAR TERM];

6 (C) the members of the first nine-member school board shall
7 hold office for terms as follows: five members [THREE] for a four-year
8 [ONE-YEAR] term and four members [; THREE] for a two-year term [AND
9 THREE FOR A THREE-YEAR TERM];

10 (D) the members of the first 11-member school board shall
11 hold office for terms as follows: six members [THREE] for a four-year
12 [ONE-YEAR] term and five members [, FOUR] for a two-year term [AND
13 FOUR FOR A THREE-YEAR TERM].

14 * **Sec. 2.** AS 14.08.071(b) is amended to read:

15 (b) Except for the first election of regional school board members under (a) of
16 this section, elections shall be held [ANNUALLY] on the [FIRST] Tuesday after the
17 first Monday in November of each even-numbered year [IN OCTOBER]. Elections
18 shall be supervised by the director of elections in the office of the lieutenant governor,
19 but shall be administered within second class cities as part of the regular municipal
20 election. The lieutenant governor shall adopt regulations for the conduct of the
21 election of regional school board members comparable, as far as practicable, to those
22 prescribed for election of school board members under AS 14.12 and AS 29.20.300
23 except that the majority election requirements of AS 29.26.060 do not apply to, nor
24 may the regulations require runoff elections for, the first election of regional school
25 board members under (a) of this section or, if a school board by resolution so requests,
26 to subsequent elections in the regional educational attendance area served by that
27 school board.

28 * **Sec. 3.** AS 14.08.071(e) is amended to read:

29 (e) The lieutenant governor may provide for the election of an advisory school
30 board established under AS 14.08.115. An election conducted under this subsection
31 shall be held on the [FIRST] Tuesday after the first Monday in November of each

1 even-numbered year [IN OCTOBER]. The lieutenant governor may adopt
2 regulations governing an election conducted under this subsection.

3 * **Sec. 4.** AS 14.12.050(a) is amended to read:

4 (a) The term of office of a member of a borough or city school board is **four**
5 [THREE] years and until a successor takes office. However, the members of a newly
6 created five-member school board hold office for initial terms as follows: **three**
7 **members** [TWO] for a term of **four** [THREE] years **and** [,] two **members** for a term
8 of two years, [AND ONE FOR A TERM OF ONE YEAR,] the terms being assigned
9 to the members by lot. The members of a newly created seven-member school board
10 hold office for initial terms as follows: **four members** [THREE] for a term of **four**
11 [THREE] years **and three members** [, TWO] for a term of two years, [AND TWO
12 FOR A TERM OF ONE YEAR,] the terms being assigned to the members by lot.

13 * **Sec. 5.** AS 14.12.050(b) is amended to read:

14 (b) When a transition is made from a five-member school board to a seven-
15 member school board, the length of the terms of office for the two new members to be
16 elected shall be determined by lot, **one member for a term of four years and one**
17 **member for a term of two years** [SO THAT WHEN THE TERMS OF OFFICE FOR
18 THE TWO NEW MEMBERS ARE ASSIGNED, THE TERMS OF OFFICE FOR
19 THE ENTIRE SEVEN-MEMBER BOARD SHALL BE AS FOLLOWS: THREE
20 MEMBERS HAVE A THREE-YEAR TERM, TWO MEMBERS HAVE A TWO-
21 YEAR TERM, AND TWO MEMBERS HAVE A ONE-YEAR TERM. A SEVEN-
22 MEMBER SCHOOL BOARD, THE TERMS OF OFFICE OF WHOSE MEMBERS
23 AT THE TIME OF TRANSITION FROM A FIVE-MEMBER BOARD DID NOT
24 RESULT IN TERMS EXPIRING IN THE MANNER PROVIDED IN THIS
25 SECTION, MAY, BY RESOLUTION ADOPTED BY A MAJORITY OF THE
26 MEMBERS OF THE BOARD, ADJUST THE TERMS OF OFFICE TO CONFORM
27 TO THE SCHEDULE FOR EXPIRATION OF TERMS OF OFFICE PROVIDED IN
28 THIS SECTION].

29 * **Sec. 6.** AS 29.04.040(d) is amended to read:

30 (d) The council shall, within 30 days after receiving notification from the
31 Local Boundary Commission that a petition has been accepted, order an election on

1 the question of reclassification. The election shall be held at least 30 days after the
 2 order and not later than either the next regular election occurring after the 30-day
 3 period or 180 days after the 30-day period, whichever is earlier. If more than one
 4 question is to be voted on at the election, each shall appear separately on the ballot.

5 * **Sec. 7.** AS 29.05.120(f) is amended to read:

6 (f) The initial elected members of the governing body shall determine by lot
 7 the length of their terms of office so that as close as possible to a proportionate
 8 number of terms expire each even year, resulting in staggered terms of office for
 9 members subsequently elected.

10 * **Sec. 8.** AS 29.20.070(b) is amended to read:

11 (b) Not later than either the first regular election that occurs after adoption of
 12 a final state redistricting plan under art. VI, sec. 10, Constitution of the State of
 13 Alaska, or 180 days after the adoption, whichever is earlier, the assembly shall
 14 propose and submit to the voters of the borough, at that regular election or at a special
 15 election called for the purpose, one or more forms of assembly representation. The
 16 forms of representation that the assembly may submit to the voters are:

17 (1) election of members of the assembly at large by the voters
 18 throughout the borough;

19 (2) election of members of the assembly by district, including

20 (A) election at large by the voters throughout the borough, but
 21 with a requirement that a candidate live in an election district established by
 22 the borough for election of assembly members; or

23 (B) election from election districts established by the borough
 24 for the election of assembly members by the voters of a district;

25 (3) election of members of the assembly both at large and by district.

26 * **Sec. 9.** AS 29.20.150(a) is amended to read:

27 (a) A member of the governing body is elected for a four-year [THREE-
 28 YEAR] term and until a successor qualifies [, UNLESS A DIFFERENT TERM NOT
 29 EXCEEDING FOUR YEARS IS PRESCRIBED BY HOME RULE CHARTER OR
 30 ORDINANCE].

31 * **Sec. 10.** AS 29.20.230(a) is amended to read:

1 (a) The mayor of a borough or first class city is elected at large. The mayor of
 2 a borough or first class city serves a term of **four** [THREE] years [, UNLESS BY
 3 ORDINANCE A DIFFERENT TERM NOT TO EXCEED FOUR YEARS IS
 4 PROVIDED. THE CURRENT TERM OF AN INCUMBENT MAYOR MAY NOT
 5 BE ALTERED]. The regular term of a mayor of a borough or first class city begins on
 6 the first Monday following certification of the election.

7 * **Sec. 11.** AS 29.20.300(a) is amended to read:

8 (a) Each municipal school district has a school board. Except as provided in
 9 (b) of this section, members of a school board are elected at the regular election for
 10 **four-year** [THREE-YEAR] terms and until their successors take office. Members are
 11 elected at large unless a different method of election has been approved by the voters
 12 in a regular election.

13 * **Sec. 12.** AS 29.20.310(b) is amended to read:

14 (b) As determined by ordinance, members of a utility board are either
 15 appointed by the mayor and confirmed by the governing body or [ARE] elected at a
 16 regular election. The term of a utility board member is two years and until a successor
 17 is selected and qualifies. [HOWEVER, THE GOVERNING BODY MAY BY
 18 ORDINANCE PROVIDE FOR A DIFFERENT TERM NOT TO EXCEED FOUR
 19 YEARS. THE CURRENT TERM OF AN ELECTED INCUMBENT MAY NOT BE
 20 ALTERED.]

21 * **Sec. 13.** AS 29.26.040 is amended to read:

22 **Sec. 29.26.040. Date of regular election.** The date of a regular election is the
 23 [FIRST] Tuesday **after the first Monday in November of each even-numbered**
 24 **year** [OF OCTOBER ANNUALLY, UNLESS A DIFFERENT DATE OR
 25 INTERVAL OF YEARS IS PROVIDED BY ORDINANCE].

26 * **Sec. 14.** AS 29.26.170(a) is amended to read:

27 (a) Unless substantially the same measure is adopted, when a petition seeks an
 28 initiative vote, the clerk shall submit the matter to the voters at the next regular
 29 election or, if already scheduled, special election occurring not sooner than 60 days
 30 after certification of the petition. If no election is scheduled to occur within 75 days
 31 after the certification of a petition and the governing body determines it is in the best

1 interest of the municipality, the governing body may by ordinance order a special
 2 election to be held on the matter before the next election that is already scheduled, but
 3 not sooner than 60 days after certification of the petition. **If no election is scheduled**
 4 **to occur within 180 days after the certification of a petition, the governing body**
 5 **shall by ordinance order a special election to be held on the matter not sooner**
 6 **than 60 days after certification of the petition and not later than 180 days after**
 7 **certification of the petition.**

8 * **Sec. 15.** AS 29.26.180(a) is amended to read:

9 (a) Unless the ordinance or resolution is repealed, when a petition seeks a
 10 referendum vote, the clerk shall submit the matter to the voters at the next regular
 11 election or, if already scheduled, special election occurring not sooner than 60 days
 12 after certification of the petition. If no election is scheduled to occur within 75 days
 13 after certification of a petition and the governing body determines it is in the best
 14 interest of the municipality, the governing body may by ordinance order a special
 15 election to be held on the matter before the next election that is already scheduled, but
 16 not sooner than 60 days after certification of the petition. **If no election is scheduled**
 17 **to occur within 180 days after the certification of a petition, the governing body**
 18 **shall by ordinance order a special election to be held on the matter not sooner**
 19 **than 60 days after certification of the petition and not later than 180 days after**
 20 **certification of the petition.**

21 * **Sec. 16.** AS 29.71.800(21) is amended to read:

22 (21) "regular election" means the municipal election held on the
 23 [FIRST] Tuesday **after the first Monday in November of each even-numbered**
 24 **year** [OF OCTOBER ANNUALLY, OR ON A DIFFERENT DATE OR INTERVAL
 25 OF YEARS PROVIDED BY ORDINANCE OR CHARTER];

26 * **Sec. 17.** AS 44.12.010(a) is amended to read:

27 (a) The following days are legal holidays:

- 28 (1) the first of January, known as New Year's Day;
 29 (2) the third Monday of January, known as Martin Luther King, Jr.'s
 30 Birthday as provided in (b) of this section;
 31 (3) the third Monday in February, known as Presidents' Day;

- 1 (4) the last Monday of March, known as Seward's Day;
 2 (5) the last Monday in May, known as Memorial Day;
 3 (6) the fourth of July, known as Independence Day;
 4 (7) the first Monday in September, known as Labor Day;
 5 (8) the 18th of October, known as Alaska Day;
 6 (9) the 11th of November, known as Veterans' Day;
 7 (10) the fourth Thursday in November, known as Thanksgiving Day;
 8 (11) the 25th of December, known as Christmas Day;
 9 (12) every Sunday;
 10 (13) every day designated by public proclamation by the President of
 11 the United States or the governor of the state as a legal holiday;
 12 **(14) the Tuesday after the first Monday in November of each even-**
 13 **numbered year, known as Election Day.**

14 * **Sec. 18.** AS 29.20.150(b) is repealed.

15 * **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to
 16 read:

17 TRANSITION. (a) An election for each municipal mayor and each member of a
 18 regional school board, advisory school board, borough or city school board, elected utility
 19 board, or municipal governing body shall occur on November 3, 2026.

20 (b) The terms of office for officials elected in the November 3, 2026, election, as
 21 required by (a) of this section, shall be determined as follows:

22 (1) for members of a regional school board, the terms shall be determined in
 23 the same manner as for first boards under AS 14.08.061(a)(2), as amended by sec. 1 of this
 24 Act;

25 (2) for members of a borough or city school board, the terms shall be
 26 determined in the same manner as for newly created school boards under AS 14.12.050(a), as
 27 amended by sec. 4 of this Act;

28 (3) for members of a municipal governing body, the terms shall be determined
 29 in the same manner as for initial elected members under AS 29.05.120(f), as amended by sec.
 30 7 of this Act.

31 (c) Notwithstanding a provision of AS 14, AS 29, or a municipal law to the contrary,

1 the term of office of an incumbent municipal mayor or member of a regional school board,
2 advisory school board, borough or city school board, elected utility board, or municipal
3 governing body elected before November 3, 2026, expires not later than the Monday
4 following certification of the November 3, 2026, election for that office.

5 * **Sec. 20.** Section 19 of this Act takes effect immediately under AS 01.10.070(c).

6 * **Sec. 21.** Except as provided in sec. 20 of this Act, this Act takes effect November 3, 2026.