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**CITY OF HOMER
HOMER, ALASKA**

Mayor

ORDINANCE 16-01(A)(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 2.08.030, COMPOSITION OF GOVERNING BODY – TERMS OF OFFICE, HOMER CITY CODE 4.10.010, DECLARATION OF CANDIDACY, HOMER CITY CODE 4.35.010, REVIEW OF ELECTION DOCUMENTS BY CANVASS BOARD, AND HOMER CITY CODE 4.40.010, RUNOFF ELECTION – REQUIRED; AND ENACTING HOMER CITY CODE 4.35.020, VOTES REQUIRED TO BE ELECTED, HOMER CITY CODE 4.35.030, TIE VOTE, AND HOMER CITY CODE 4.35.040, CERTIFICATION OF ELECTION; REGARDING THE PROCEDURE FOR ELECTING THE MAYOR AND COUNCIL MEMBERS.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 2.08.030, Composition of governing body – Terms of office, is amended to read as follows:

2.08.030 Composition of governing body – Terms of office.

- a. The governing body of the City of Homer shall consist of six Council members, two of whom are elected at large each year for three-year terms and until a successor qualifies.
- b. The Mayor shall be elected for a two-year term and until a successor qualifies.
- c. A person so elected to office under this chapter shall take office at the first regular council meeting following the election, immediately after the final certification of that election, except that when HCC 4.40.010(c)(3) applies, the person shall take office at the first regular council meeting following the runoff election, immediately after the certification of that election.

Section 2. Homer City Code 4.10.010, Declaration of candidacy, is amended to read as follows:

4.10.010 Declaration of candidacy.

- a. Time. A person declares candidacy for an elective city office by filing a declaration of candidacy with the City Clerk on or after August 1st and not later than 12:00 p.m. on August 15th; provided that if August 15th is a Saturday or Sunday, a declaration of candidacy may be filed no later than 12:00 p.m. on the following Monday.
- b. Filing. A declaration of candidacy may be filed with the City Clerk by electronic transmission; provided that the original signed and notarized declaration is delivered to the

43 City Clerk no later than the close of the filing period. If the City Clerk has not received the
44 original signed and notarized declaration before the close of the filing period, the candidate's
45 name shall not appear on the ballot.

46 c. Notice. At least one week preceding the candidate filing period, the City Clerk shall
47 publish a notice announcing that candidacy declarations are available, naming offices and
48 the terms that are open on the next regular election day. The notice shall include:

- 49 1. Candidate qualifications.
- 50 2. Time for filing declarations.
- 51 3. Where to file declarations.

52 d. Declaration. The City Clerk shall provide a form for declaration purposes which will
53 include candidate's name, residence address, mailing address and telephone number; a
54 statement of City residence, voter qualifications and the name of the office and the date of
55 the election to which he declares himself a candidate; the term of office; and a statement of
56 acceptance of the office if elected and an acknowledgment of compliance with the State of
57 Alaska Campaign Disclosure Law. The declaration will be signed and dated by the candidate
58 and sealed by a notary. The candidate's name shall be printed as specified on the declaration
59 for candidacy (see ballot form in HCC 4.15.010 for prohibitions).

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61 Section 3. Homer City Code 4.35.010, Review of election documents by Canvass
62 Board, is amended to read as follows:

63
64 4.35.010 Review of election documents by Canvass Board.

65 a. The Clerk shall, subject to confirmation of the City Council, appoint a Canvass Board
66 of as many members as required to accomplish the canvass in reasonable time. All members
67 of the election Canvass Board, before entering upon their duties, must subscribe to the oath
68 required of all public officers by the Constitution of the State of Alaska in the manner
69 prescribed by the Clerk. The Canvass Board will review the preliminary certificates of election
70 and all official documents of the precinct election boards and the counting center boards.

71 b. Not later than the Monday following each election, the Canvass Board shall meet in
72 public session and canvass all election returns. The Canvass Board may be recessed from day
73 to day, but not more than three such recesses. In full view of those present, the election
74 Canvass Board shall judge the applicability of absentee and questioned ballots, shall open
75 and tally those accepted, and shall compile the total votes cast in the election. The canvass of
76 ballots counted by the counting center shall be accomplished by reviewing the tallies of the
77 recorded vote to check for mathematical error by comparing totals with the counting center
78 logs and certificates of results. All obvious errors found by the election canvass in the transfer
79 of totals from the precinct tally sheets to the precinct certificate of results shall be corrected
80 by the Canvass Board. A mistake which has been made in precinct returns from the tallies to
81 the certificate of results empowers the Canvass Board to recommend a recount of the results
82 of the precinct or precincts for that portion of the returns in question.

83 c. To be counted in the election, an absentee ballot by mail must be postmarked by
84 midnight of election day and received by the Clerk before the canvass. Envelopes of absentee

85 ballots by mail received after that time shall not be opened, but shall be marked "invalid"
86 with the date and hour of receipt noted thereon, and shall be retained with other ballots of
87 the election. An absentee ballot that is returned by electronic transmission must be received
88 by the Clerk not later than 8:00 p.m. on election day in order to be counted. When the Clerk
89 receives a completed absentee ballot by electronic transmission, the Clerk will remove the
90 ballot portion of the transmission from the portion that identifies the voter; place the ballot
91 portion in a secrecy sleeve and seal the secrecy sleeve; place the sealed secrecy sleeve in an
92 envelope of the type used for absentee ballots returned by mail and seal that envelope;
93 attach the voter identification portion to the outer envelope; and forward the sealed outer
94 envelope to the Canvass Board.

95 d. Questioned and absentee ballots shall be counted as follows: No questioned or
96 absentee ballot by mail shall be counted if the voter has failed to properly execute the
97 certificate, if the witness or the officer or other person authorized by law to administer the
98 oath fails to affix his signature, or if the voter fails to enclose his marked ballot inside the
99 small envelope or secrecy sleeve provided. No absentee ballot by electronic transmission
100 shall be counted if the voter has failed to properly execute the certificate, or if the witness or
101 the officer or other person authorized by law to administer the oath fails to affix his signature.
102 The Clerk or a member of the election Canvass Board may challenge the name of an absentee
103 voter if he has good reason to suspect that the voter is not qualified to vote, is disqualified, or
104 has already voted at the same election. The person making the questioned ballot shall specify
105 the basis of the challenge for the record. The Canvass Board, by majority vote, may refuse to
106 accept the challenge and count the ballot of a person properly challenged. If the ballot is
107 refused, the Clerk shall notify the challenged voter by letter within four weeks of the canvass.
108 All rejected ballots shall be enclosed in a separate envelope and shall be labeled "rejected
109 ballots" retained with other materials of the election. If the ballot is not rejected, the large
110 envelope shall be opened, the small inner envelope or secrecy sleeve shall be placed in a
111 container and mixed with other blank absentee ballot envelopes, or in the case of counting
112 questioned ballots, with other blank questioned-ballot envelopes, the mixed small blank
113 envelopes or secrecy sleeves shall be drawn from the container, opened, and the ballots
114 counted according to the rules of determining properly marked ballots.

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116 Section 4. Homer City Code 4.35.020, Votes required to be elected, is enacted to read
117 as follows:

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119 4.35.020 Votes required to be elected. The number of candidates for an office equal to
120 the number of vacancies to be filled who receive the highest number of votes for the office
121 shall be elected, provided that

122 a. To be elected to the office of mayor a candidate must receive more than the
123 plurality of the votes cast for mayor determined by subsection c of this section, and

124 b. To be elected to the council, a candidate must receive more than the plurality
125 determined by subsection c of this section of the total votes cast for all candidates for council
126 divided by the number of seats to be filled.

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

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

134 Section 5. Homer City Code 4.35.030, Tie vote, is enacted to read as follows:
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136 4.35.030 Tie vote. If two candidates tie in receiving the highest number of votes for an
137 office to which only one candidate may be elected, the person to be elected shall be
138 determined by a single coin toss conducted by the City Council at a regular or special
139 meeting. The first candidate to have filed a candidacy declaration shall call the coin during
140 the toss. A tied candidate may designate a representative to participate in the coin toss in the
141 candidate's absence. The designation shall be made in such a manner that the Clerk is
142 assured of its authenticity.
143

144 Section 6. Homer City Code 4.35.040, Certification of election, is enacted to read as
145 follows:
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147 4.35.040 Certification of election. The Council shall certify the results of the election at
148 the next regular Council meeting following completion of the canvass by the Canvass Board.
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150 Section 7. Homer City Code 4.40.010, Runoff election – Required, is amended to read
151 as follows:
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153 4.40.010 Runoff election – Required.

154 a. A runoff election shall be held to fill an office that is not filled under HCC 4.35.020 or
155 HCC 4.35.030 at the initial election for the office.

156 b. The two candidates for the office that received the highest number of votes without
157 being elected at the initial election shall be the candidates for an office that is to be filled by a
158 runoff election.

159 c. If a runoff election for council is required, any candidate who was elected to the
160 council at the regular election shall:

161 1. Retain the same seat if reelected;

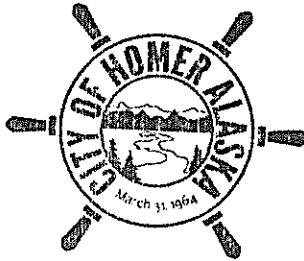
162 2. If there is one council member whose term is expiring and who was not a
163 candidate for reelection, succeed that council member; or

164 3. If neither 1 nor 2 applies, take office after certification of the runoff election.
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166 Section 8. This Ordinance is of a permanent and general character and shall be
167 included in the City Code.
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169 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 25th day of
170 January, 2016.

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CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

178 ATTEST:

179
180 *Jo Johnson*
181 _____
182 JO JOHNSON, MMC, CITY CLERK
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186 AYES: 6
187 NOES: 0
188 ABSTAIN: 0
189 ABSENT: 0

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192 First Reading: 1/11/16
193 Public Reading: 1/25/16
194 Second Reading: 1/25/16
195 Effective Date: 1/26/16

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198 Reviewed and approved as to form:

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200

201 *Mary K. Koester*
202 _____
203 Mary K. Koester, City Manager

204

Date: 1-28-16

Thomas F. Klinkner

Thomas F. Klinkner, City Attorney

Date: 2-2-16