



CITY & BOROUGH OF WRANGELL PUBLIC HEARING AGENDA

**Tuesday, February 25, 2014
6:30 p.m.**

Location: Assembly Chambers, City Hall

1. Call to Order
2. Roll Call
3. Public Hearing Items:
 - a. PROPOSED ORDINANCE No. 874: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 2, ELECTIONS, OF THE WRANGELL MUNICIPAL CODE TO CLARIFY SECTION 2.04.050 ON WHO IS DECLARED ELECTED TO OFFICE AND SECTION 2.20.060 ON THE BALLOT FORM FOR OFFICES AND CANDIDATES (*second reading*)
4. Written Testimony
5. Oral Testimony
6. Adjournment

Agenda Item 3a

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
PUBLIC HEARING ITEM
February 25, 2014**

INFORMATION:

PROPOSED ORDINANCE No. 874: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 2, ELECTIONS, OF THE WRANGELL MUNICIPAL CODE TO CLARIFY SECTION 2.04.050 ON WHO IS DECLARED ELECTED TO OFFICE AND SECTION 2.20.060 ON THE BALLOT FORM FOR OFFICES AND CANDIDATES *(second reading)*

Attachments:

1. Memo from Kim Lane, Borough Clerk, dated February 6, 2014
2. Proposed Ordinance No. 874
3. Wrangell Municipal Code Section 2.04.050
4. Example of current ballot layout, showing proposed changes
5. Example of proposed new ballot layout

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MEMORANDUM

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY
CITY AND BOROUGH OF WRANGELL**

**FROM: KIM LANE, CMC
BOROUGH CLERK**

**SUBJECT: PROPOSED ORDINANCE 874: ELECTION METHOD AND
BALLOT FORM FOR CANDIDATES TO OFFICE**

DATE: February 6, 2014

Proposed Ordinance No. 874 relates to the method by which candidates are declared elected to office and the ballot form for offices and candidates.

The ordinance would amend two sections of the Elections Code to clarify that Assembly candidates will be listed on the ballot in the same manner as candidates for all of the other elected offices in Wrangell, and declared elected in the same manner as used for all of the other elected offices. I have worked with the Attorneys on this issue and they prepared the proposed ordinance for your consideration. I recommend this ordinance be adopted.

After carefully reviewing the Wrangell Charter and code, we determined that neither the Charter nor code requires or calls for the Assembly to be designated by "seats" for purposes of election. However, currently the forms for declaring Assembly candidacy has a candidate choose a designated "seat" they wish to fill on the Assembly and the election ballot lists the Assembly vacancies by "seat." This is not the case for any of the other elected offices in Wrangell – Port Commission, School Board, or Medical Center Board – even though the same Election Code sections govern elections for those offices as govern elections for Assembly. Listing designated seats for the Assembly also has no logical basis as we do not have election districts for the Assembly, and all candidates are elected borough-wide.

The proposed ordinance would eliminate the inconsistency in how our elections for different offices are conducted, and clarify how vacancies on the Assembly are listed on the ballot and method by which the winners are declared.

The proposed ordinance amends WMC 2.20.060 to clarify that candidates for full term vacancies on the Assembly will be shown by a single list on the ballot, not by designated "seat" (such as Seat A, etc.). The words "Vote for no more than ____" will appear on the ballot so that voters are informed that when there are two full term vacancies on the Assembly, they may vote for two of the listed candidates.

The ordinance also amends WMC 2.04.050 to clarify that the method for determining who is declared elected would be the same for the Assembly as it is for all of the other elected bodies: in an election in which multiple vacancies for full terms are being filled,

the candidates receiving the greatest number of votes, and whose standing in the count is at least equal to the number of full term vacancies to be filled, would be declared elected. Thus, for example, if there are two vacancies for full terms on the Assembly up for election, the ballot would have a single list of candidates for those vacancies and the top two vote-getters would be declared elected to office.

The proposed ordinance continues the current distinction for vacancies for unexpired terms on any of the elected bodies: unexpired vacancies will be listed separately on the ballot and the top vote-getting candidate for each unexpired term vacancy will be declared elected. This way, a candidate can choose to run for a vacancy for an unexpired term or for vacancy for a full term on any of the bodies, including the Assembly.

In June 2013, the Haines Borough amended its code to provide for election of assembly and school board members through single lists of candidates rather than by designated seats. The Haines election code had provided that for purposes of election, each assembly position was to be designed by seat (again, neither the Wrangell Charter nor code has such a provision). Haines Borough Assembly Member Debra Schnabel conducted a survey of other Alaska municipalities on this issue. She found that the following municipalities designated assembly seats on the ballot:

- City & Borough of Juneau (Juneau has assembly election districts so designated seats are necessary)
- City & Borough of Wrangell

The following municipalities do not designate the seats on the ballot:

- Haines Borough (changed in June 2013)
- Petersburg Borough
- City of Craig
- City of Hoonah
- City of Ketchikan
- Ketchikan Gateway Borough
- City of Kodiak
- City and Borough of Sitka

Assembly Member Schnabel included this quote in her memo to the Haines Assembly:

“Under our system, we don’t get the candidates who have the most support of voters. We get only the candidates who had more voter support than their opponent or opponents for a given seat.”

Editor, Chilkat Valley, October 13, 2011

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 874

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 2, ELECTIONS, OF THE WRANGELL MUNICIPAL CODE TO CLARIFY SECTION 2.04.050 ON WHO IS DECLARED ELECTED TO OFFICE AND SECTION 2.20.060 ON THE BALLOT FORM FOR OFFICES AND CANDIDATES

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that underlined are to be added and the words that are bolded and in brackets are to be deleted.]

SEC. 1. Action. The purpose of this ordinance is to amend Section 2.04.050 and Section 2.20.060 of the Wrangell Municipal Code to clarify the provisions on who is declared elected to vacancies being filled at an election and the ballot form for offices and candidates.

SEC. 2. Amendment. Section 2.04.050 of the Wrangell Municipal Code is amended to read:

2.04.050 Who is Declared Elected.

- A. In a Borough election, the top vote-getting candidate for the office of Mayor[, or for the unexpired term of a specific Assembly, School Board, Port Commission or Medical Center Board vacancy,] shall be declared elected.
- B. In a Borough election[s] in which multiple Assembly, School Board, Port Commission, or Medical Center Board vacancies for full terms [seats] are being filled, the candidate(s) receiving the greatest number of votes, and whose standing in the vote count is at least equal to the number of full term vacancies [seats] to be filled, shall be declared elected.
- C. In a Borough election in which a vacancy or vacancies for an unexpired term(s) on the Assembly, School Board, Port Commission, or Medical Center Board is being filled, the top vote-getting candidate for each unexpired term vacancy shall be declared elected.

SEC. 3. Amendment. Section 2.20.060 of the Wrangell Municipal Code is amended to read:

2.20.060 Ballots – Listing of offices and candidates.

- A. All candidates to the same office shall be shown on one ballot. The offices to be filled shall be listed by title and length of term for the vacancy or vacancies in that office; the vacancy or vacancies shall not be listed or identified on the ballot by designated seat(s) such as “Seat A.” The title of each office to be filled shall be followed by the printed names of all candidates for that office **[and provision shall be made for write-ins equal in number to the positions to be filled]**, below which shall be blank lines equal in number to the candidates to be elected to such office.
- B. On the ballot between the title of the office and the names of the candidates shall be placed the **[instruction “Vote for One” or “Vote for Two,” as the case may be]** words “Vote for no more than _____,” with the appropriate number replacing the blank.
- C. The **[phrases “for one-year term,” “for two-year term,” and/or “for three-year term, as the case may be,]** words “Three Year Term,” or “Unexpired Term Until _____,” as applicable, with the appropriate month and year replacing the blank, shall be placed after the titles of the **[officers] offices** on the ballot as necessary to identify whether the vacancy or vacancies [on the assembly being] to be filled at [an] the election are for full or an unexpired terms.
- D. Where there is more than one candidate for an office, the names of **[such] the** candidates shall be arranged in alphabetical order.

SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 5. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 6. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: February 11, 2014.

PASSED IN SECOND READING: _____, 2014.

By _____
David L. Jack, Mayor

ATTEST:

Kim Lane, CMC, Borough Clerk

2.04.050 Who is declared elected.

A. In a borough election, the top vote-getting candidate for the office of mayor, or for the unexpired term of a specific assembly, school board, port commission or medical center board vacancy, shall be declared elected.

B. In borough elections in which multiple assembly, school board, port commission or medical center board seats are being filled, the candidate(s) receiving the greatest number of votes, and whose standing in the vote count is at least equal to the number of seats to be filled, shall be declared elected. [Ord. 827 § 4, 2008.]

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CURRENT - Showing Strikethrough

**FOR BOROUGH MAYOR
UNEXPIRED TERM UNTIL
OCTOBER 2014
VOTE FOR ONE**

David L. Jack (oval)
Kipha L. Valvoda (oval)
_____ (oval)

**FOR ASSEMBLY MEMBER
SEAT-B
UNEXPIRED TERM UNTIL
OCTOBER 2014
VOTE FOR ONE**

Ernest Christian (oval)
Maxlyn J. Wiederspohn (oval)
Billie Younce (oval)
_____ (oval)

**FOR ASSEMBLY MEMBER
SEAT-E
THREE YEAR TERM
VOTE FOR ONE-TWO**

Daniel W. Blake (oval)
Julie Decker (oval)
_____ (oval)
_____ (oval)

~~**FOR ASSEMBLY MEMBER
SEAT-F
THREE YEAR TERM
VOTE FOR ONE**~~

~~Daniel W. Blake _____ (oval)
_____ (oval)~~

**FOR PORT COMMISSION
UNEXPIRED TERM UNTIL
OCTOBER 2015
VOTE FOR ONE**

John M. Martin (oval)
_____ (oval)

**FOR PORT COMMISSION
THREE YEAR TERM
VOTE FOR TWO**

David W. Silva (oval)
John A. Yeager (oval)
_____ (oval)
_____ (oval)

**FOR SCHOOL BOARD
THREE YEAR TERM
VOTE FOR TWO**

Rinda K. Howell (oval)
Cynthia Waddington (oval)
_____ (oval)
_____ (oval)

**FOR HOSPITAL BOARD
FOUR YEAR TERM
VOTE FOR TWO**

Terri Henson (oval)
Bernie Massin (oval)
_____ (oval)
_____ (oval)

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**FOR BOROUGH MAYOR
UNEXPIRED TERM UNTIL
OCTOBER 2014
VOTE FOR ONE**

David L. Jack (oval)
Kipha L. Valvoda (oval)
_____ (oval)

**FOR ASSEMBLY MEMBER
UNEXPIRED TERM UNTIL
OCTOBER 2014
VOTE FOR ONE**

Ernest Christian (oval)
Maxlyn J. Wiederspohn (oval)
Billie Younce (oval)
_____ (oval)

**FOR ASSEMBLY MEMBER
THREE YEAR TERM
VOTE FOR TWO**

Daniel W. Blake (oval)
Julie Decker (oval)
_____ (oval)
_____ (oval)

**FOR PORT COMMISSION
UNEXPIRED TERM UNTIL
OCTOBER 2015
VOTE FOR ONE**

John M. Martin (oval)
_____ (oval)

**FOR PORT COMMISSION
THREE YEAR TERM
VOTE FOR TWO**

David W. Silva (oval)
John A. Yeager (oval)
_____ (oval)
_____ (oval)

**FOR SCHOOL BOARD
THREE YEAR TERM
VOTE FOR TWO**

Rinda K. Howell (oval)
Cynthia Waddington (oval)
_____ (oval)
_____ (oval)

**FOR HOSPITAL BOARD
FOUR YEAR TERM
VOTE FOR TWO**

Terri Henson (oval)
Bernie Massin (oval)
_____ (oval)
_____ (oval)

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