

**AN ORDINANCE OF THE CITY OF EDNA BAY, ALASKA
ORDINANCE NO. 17-10CO**

AN ORDINANCE OF THE CITY OF EDNA BAY, ALASKA, AMENDING TITLE 5 "ELECTIONS" TO AMEND ITEM B OF SECTION 5.10.020 "VOTER QUALIFICATIONS", AMEND ITEM A OF SECTION 5.10.050 "TIE BREAK ELECTION", AMEND ITEM B OF SECTION 5.10.070 "DETERMINING ELECTION WINNER", AMEND ITEM H OF SECTION 5.20.040 "BALLOTS; FORM" FOR CLARIFICATION, AND AMENDING ITEM A OF SECTION 5.10.080 "TIE VOTES" TO DEFINE THE PROCESS OF RESOLVING VARIOUS TIE VOTE CONDITIONS THAT MAY OCCUR

Whereas: The City of Edna Bay Municipal Code is the law governing the City of Edna Bay;

Whereas: Title 5 provides for the processes related to City Elections;

Whereas: Amendments are necessary to clarify the terms of existing conditions, and to ensure defined processes exist to resolve uncommon circumstances at the conclusion of a general election.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EDNA BAY, ALASKA:

Section 1. Classification.

This is a Code **ORDINANCE**. This ordinance is of a general and permanent nature and the code section adopted hereby shall become the city code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons shall not be affected thereby.

Section 3. Penalty. Violations of the sections herein enumerated shall be punishable as specified in the City of Edna Bay Municipal Code.

Section 4. Title 5 of the City of Edna Bay Municipal Code shall be amended as follows, with each item ~~struck through~~ to be removed from the code and each item underlined to be added:

Section 5.10.020 - Voter qualifications.

(b) Has been a resident of the City of Edna Bay and a registered voter in Alaska for at least thirty (30) days immediately preceding the election;

~~(c) Is registered to vote in state elections; and~~

Section 5.10.050 - Tie Break election.

(a) As necessary in the event of a tie vote for the last available seat being filled during a General Election (as defined in Section 5.10.080), and after a recount of ballots that confirms the tie vote the council shall in its first meeting after the election call a Tie Break Election that must be noticed no later than two (2) weeks after the order and concluded in thirty (30) days.

Section 5.10.070 - Determining election winner.

(b) 3-year term seats shall be sequentially assigned to the candidates receiving the most votes progressively (For example, "A" first, "B" second, and so forth...) until all available 3-year seats are filled. Vacant seats with 2-year terms are filled next, followed by those with a 1-year term.

Section 5.10.080 - Tie votes.

(a) If there are seats available for all candidates running for office, ties shall be determined by lot/coin toss during the canvass meeting by any city or election official not running for office during the current election, except:

1) When a tie occurs between an incumbent and a candidate, and one of the two seats is a vacancy, the incumbent shall receive the seat with a 3-year term and the other candidate fill the remaining term of the vacant seat.

2) In the event of a tie vote for the last available seat, a Tie Break election will be held. If the Tie Break election results in a tie, the winner will be determined by coin toss or straw pull.

Section 5.20.040 - Ballots; form.

(h) The first and last names of candidates shall be printed as they appear upon the declaration of candidacy filed with the city clerk, except that the middle name or initial and any honorary or assumed title or prefix shall be omitted.

Section 5.

Effective Date.

This ordinance becomes effective upon its adoption by the city council.

Introduction January 9th, 2017

Public Hearing January 14th, 2017

PASSED AND APPROVED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL

THIS 14th DAY OF January, 2017.

Heather Richter

Heather Richter, Mayor of the City of Edna Bay

ATTEST:

Tyler M. Poelstra
Tyler Poelstra, Municipal Clerk

