

CITY OF GUSTAVUS, ALASKA
TITLE V
Elections

AN ORDINANCE OF THE CITY OF GUSTAVUS CREATING AND ADOPTING TITLE V, ELECTIONS, OF THE MUNICIPALITY'S CODE OF ORDINANCE.

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

Section 1. Classification. This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.

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

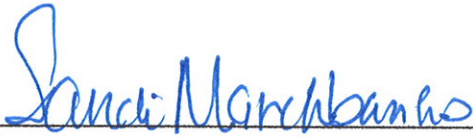
Section 3. Enactment. Now, therefore, be it enacted by the Gustavus City Council that Title 5, Elections, be created and adopted.

Section 4. Effective Date. This ordinance becomes effective August 19, 2004.

DATE INTRODUCED: August 12, 2004

DATE OF PUBLIC HEARING: August 19, 2004

PASSED AND ADOPTED by the Gustavus City Council this 19th day of August, 2004.



Mayor

ATTEST:



Clerk

Title 5

ELECTIONS

Chapters:

Chapter 5.10	City Elections
Chapter 5.20	Election Equipment and Materials
Chapter 5.30	Election Procedures
Chapter 5.40	Absentee Voting
Chapter 5.50	Review of Election Returns
Chapter 5.60	Contest of Election
Chapter 5.70	Initiative Petition, Referendum, and Recall

Chapter 5.10

City Elections

Sections:

5.10.010	Administration
5.10.020	Voter Qualifications
5.10.030	Residence Criteria
5.10.040	General Elections
5.10.050	Special Elections
5.10.060	Election Notices
5.10.070	Determining Election Winner
5.10.080	Tie Votes
5.10.090	Qualifications for City Council
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5.10.110	Withdrawal; Written Notice
5.10.120	Publishing Names
5.10.130	Election Judges

Section 5.10.010 Administration

The City Clerk is the supervisor of elections and shall prepare and maintain election materials and records. The clerk shall begin preparations for a general election at least forty-five (45) days before the date of the election and for a special election as expeditiously as possible. The clerk is responsible for contacting the State of Alaska, Division of Elections and making certain the City has on hand, before any election,

the most current official voter registration list. The City Clerk shall act as clerk to the election board

Section 5.10.020 Voter Qualifications

A person shall be qualified to vote in City elections who:

- (a) is a United States citizen who is qualified to vote in State of Alaska elections;
- (b) has been a resident of the City of Gustavus for thirty (30) days immediately preceding the election;
- (c) is registered to vote in state elections; and
- (d) is not disqualified under Article V of the constitution of the State of Alaska which provides that:

“No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed”

Section 5.10.030 Residence Criteria

When determining residence for the purpose of qualifying voters the following criteria will apply:

- (a) No person may be considered to be a resident by reason of being present nor may residency be lost solely by reason of absence while in the civil or military service of the state or of the United States, or by absence because of marriage to a person engaged in the civil or military service of the state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of the state, of the United States or of the high seas, while residing upon an Indian, Native Alaskan, or military reservation, or while residing in an Alaska Pioneer’s Home.
- (b) The residence of a person is that place in which the person’s habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one place, but does business in another, the former is the place of residence. Temporary construction camps do not constitute a dwelling place.

(c) A change of residence is made only by the act of moving joined with the intent to remain in another place. There can only be one residence.

(d) A person does not lose his residence if he leaves his home and goes to another country, state or place in Alaska for temporary purposes only and with the intent of returning.

(e) A person does not gain residency by coming to the City without the present intention to establish his permanent dwelling in this City.

(f) A person loses residence in this City by voting in an election of another City or state, either in person or by absentee ballot, and will not be eligible to vote in this City's municipal elections until again qualified under this Chapter.

(g) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.

(h) The address of a voter as it appears on his official state voter registration card is presumptive evidence of the person's voting residence. If the person has changed his voting residence, this presumption is negated only by the voter executing an affidavit on a form prepared by the supervisor of elections setting out his new voting residence.

Section 5.10.040 General Elections

The regular general election for Council members and other elected City officials shall be held each year on the first Tuesday in October to coincide with national and state elections. Questions or propositions may be placed on the ballot at this time. Notice of election must be posted in three (3) public places for thirty (30) days preceding the date of election.

Section 5.10.050 Special Elections

(a) If a petition submitted by voters for an initiative, referendum or recall election is certified sufficient by the City Clerk, the Council shall resolve that a special election be held on the question on the ninth (9th) Tuesday following submission of the petition to the Council.

(b) If a special election is required by act of the City Council, the City Council shall resolve that a special election on the question proposed by the Council's ordinance or resolution be held on the sixth (6th) Tuesday following the Council's action.

(c) If the regular general election held each year on the first Tuesday of October occurs within seventy-five (75) days, but no sooner than forty-five (45) days of the date of certification of a petition by voters for an initiative, referendum or recall election, or if the regular general election occurs within seventy-five (75) days of Council action which requires election then no special election may be scheduled and the question or proposition shall be placed on the regular election ballot.

(d) Notice of a special election shall be posted in at least three (3) public places for at least twenty (20) days preceding the date of election.

Section 5.10.060 Election Notices

(a) Election notices shall be prepared and posted in three (3) public places by the City Clerk for thirty (30) days preceding the date of the general election and for twenty (20) days preceding the date of a special election, and shall contain the following, as is appropriate:

- (1) Whether the election is general, special or runoff;
- (2) date of election;
- (3) location of the City polling place(s);
- (4) time the polling place(s) will open and close;
- (5) offices to be filled or a statement of any questions or propositions to be placed on the ballot.
- (6) a statement describing voter qualifications;
- (7) time for filing declarations of candidacy

(b) A sample election notice that may be used is shown at the end of this chapter (Form 5.10-A).

Section 5.10.070 Determining Election Winner

The candidate receiving the highest number of votes for his respective office wins.

Section 5.10.080 Tie Votes

In the event of a tie vote, and after a recount of ballots that confirms the tie vote the Council shall in its first meeting after the election call in the candidates receiving the tie votes and have the candidates draw straws or flip a coin to determine the winner.

Referendums, ballot initiatives, or recall votes resulting in a tie shall fail.

Section 5.10.090 Qualifications for City Council

- (a) All elections of council officials shall be non-partisan.
- (b) A person filing for office for a City seat must be:
 - (1) A United States citizen who is qualified to vote in state elections;
 - (2) A resident of the City of Gustavus for one year immediately preceding the election for which declaring candidacy;
 - (3). Not disqualified under Article V of the Constitution of the State of Alaska which provides that:

“No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.”

Section 5.10.100 Filing for Office

- (a) A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the City Clerk. This shall be filed no sooner than thirty (30) days and no later than ten (10) days before the election.

(b) A person filing for a City Council seat must meet the qualifications of Section 5.10.100.

(c) The forms appearing at the end of this chapter illustrates the form to be used for the declaration of candidacy. (Form 5.10-B)

Section 5.10.110 Withdrawal, Written Notice

A candidate who has complied with the provisions of this Chapter may withdraw that candidacy no later than the last day for filing candidacy declarations by filing a written notice of withdrawal with the City Clerk.

A write-in candidate, who receives the majority of votes, may remove their name from that office by filing a written notice with the City Clerk no later than ten days after he is notified of being the winner.

Section 5.10.120 Publishing Names

The City Clerk shall post in three (3) public places at least five (5) days proceeding the day of election, a sample ballot with candidate names and any questions to be voted on.

Section 5.10.130 Election Judges

(a) The council shall each year choose three City voters as judges to be the election board at each polling place and select one of the judges to chair the board. The judges shall not be Council Members or candidates for office. If an appointed judge fails to appear and subscribe to the oath on election day or becomes incapacitated during the time of the election or the counting of the ballots, the remaining judges shall appoint a qualified voter to fill the vacancy.

(b) The City Clerk shall give the following written oath to all election judges on or before election day:

I, _____ do solemnly swear that I will honestly, faithfully and promptly perform the duties of election judge to the best of my ability and that I am familiar with the City's election ordinances.

SIGNED _____

ATTEST: _____
City Clerk

(c) Pay of the election judges shall be determined by the council.

(d) The City Council may, at the request of the judges and if necessary to conduct an orderly election or to relieve the judges of undue hardship, appoint up to three election clerks to assist the judges. Persons appointed as election clerk must be qualified to serve as judges.