

Introduced by: Mayor Eberhart
Date: July 11, 2016

ORDINANCE NO. 6024

AN ORDINANCE TO PLACE BEFORE CITY VOTERS THE QUESTION OF AMENDING CHARTER SECTION 11.3, ELECTIONS: CANDIDATES, FILING, AND CHARTER SECTION 2.2, COUNCIL: QUALIFICATION OF MEMBERS, VACANCIES, TO COORDINATE CANDIDATE FILING DATES WITH THE FAIRBANKS NORTH STAR BOROUGH AND TO CORRECT RESIDENCY REQUIREMENTS

WHEREAS, regular elections of the City of Fairbanks, the City of North Pole, and the Fairbanks North Star Borough (FNSB) are held annually on the first Tuesday in October; and

WHEREAS, the FNSB recently amended its code of ordinances to set the dates for filing declarations of candidacy from July 15th to July 29th; and

WHEREAS, the FNSB listed the following reasons to support changing the dates for filing declarations of candidacy: the current mid-August deadline for filing for local offices shortens local campaigns and the time period available to learn about candidates; and the Tanana Valley fair, typically held in early August before the local filing deadlines, would otherwise provide an excellent opportunity for candidates to meet, hear and interact with borough citizens; and

WHEREAS, currently the dates for filing declarations of candidacy for City elective office are from August 1 to August 15; and

WHEREAS, to the extent possible, the City of Fairbanks tries to maintain uniformity with the FNSB in its election timelines and procedures; and

WHEREAS, the proposed changes to Charter Sec. 11.3 will allow the City to make the City's declaration of candidacy filing period identical to the Borough's, while maintaining flexibility in case a change is needed in the future; and

WHEREAS, as originally written, Charter Sec. 11.3 contained a three-year residency requirement for candidates running for city elective office; and

WHEREAS, the Alaska Supreme Court, in the case of *Pelozo v. Freas*, 871 P.2d 687 (Alaska 1994), ruled that a three-year residency requirement for local elective office was unconstitutional and suggested that one year was the maximum residency period that would be constitutionally acceptable; and

WHEREAS, since the *Pelozo v. Freas* decision, the City has followed the one-year residency rule but has never corrected its Charter; and

WHEREAS, the proposed Charter changes incorporate the Alaska Supreme Court's ruling and also update the language of Charter Sections 2.2 and 11.3 to make them gender neutral.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. The City Clerk is directed to place the following question on the ballot for the voters of the City of Fairbanks at the 2016 general election:

Proposition A:

INFORMATION: The City of Fairbanks, the Fairbanks North Star Borough, and the City of North Pole try to coordinate their election procedures to increase participation and to save time and expense for the municipalities. The City of Fairbanks Charter Section 11.3 provides that the "declaration of candidacy" must be filed not more than 60 days and not less than 30 days prior to the election. The Fairbanks North Star Borough recently amended its code to set the dates for filing declarations of candidacy from July 15 to July 29. The proposed Charter change would amend the period for filing declarations of candidacy for City elective office to coincide with the Borough's filing period.

Shall the City amend Home Rule Charter Section 11.3 to change the filing period for declarations of candidacy to "**not more than 90 days and not less than 45 days prior to the election**" to allow the City Council to adopt dates for the filing declarations of candidacy that coincide with the Fairbanks North Star Borough's filing period?

YES _____

NO _____

A "YES" vote amends Charter Section 11.3

A "NO" vote does not allow the amendment

Section 2. The City Clerk is directed to place the following question on the ballot for the voters of the City of Fairbanks at the 2016 general election:

Proposition B:

INFORMATION: In 1994, the Alaska Supreme Court, in the case of *Pelozo v. Freas*, 871 P.2d 687 (Alaska 1994), ruled that a three-year residency requirement for local elective office was unconstitutional and suggested that one year was the maximum residency period that would be constitutionally acceptable. Since the court's ruling in *Pelozo v. Freas*, the City has followed the one-year residency rule but has never corrected its Charter. The unconstitutional three-year residency rule is found in two sections of the Charter – Sec. 2.2 and Sec. 11.3. In addition to

correcting the residency requirement for elected office, the City Council recommends updating the language of these two sections to make them gender neutral.

Shall the City amend Home Rule Charter Sections 2.2 and 11.3 to correct the unconstitutional residency requirement from three years to one year and update the language of those sections to make them gender neutral?

YES _____

NO _____

A "YES" vote amends Charter Sections 2.2 and 11.3

A "NO" vote does not allow the amendment

Section 3. This ordinance was passed by the City Council on the 25th day of July 2016, but no change to the Fairbanks City Charter will become effective unless and until the questions are approved by the voters of the City of Fairbanks.




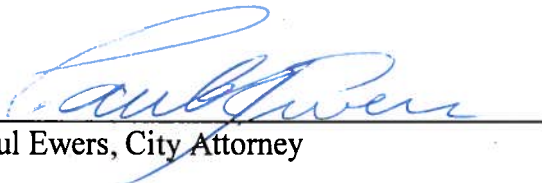
JOHN EBERHART, MAYOR

AYES: Cleworth, Pruhs, Rogers, Huntington, Matherly, Gatewood
NAYS: None
ABSENT: None
ADOPTED: July 25, 2016

ATTEST:

APPROVED AS TO FORM:



D. Danyelle Snider, CMC, City Clerk

Paul Ewers, City Attorney