

ORDINANCE NO. 6224

**AN ORDINANCE AMENDING FGC SEC. 22-25(f) REGARDING
PROCEDURE FOR DETERMINING THE WINNER OF A TIE VOTE IN
CITY ELECTIONS**

WHEREAS, in 1986, Charter Section 11.7 was amended when the voters ratified Ordinance No. 4553, An Ordinance to Abolish Runoff Elections; and

WHEREAS, prior to the amendment, Charter Section 11.7 required a runoff election if candidates received less than a majority of the votes cast (the amendment changed "majority" to "the greatest number of votes cast"); and

WHEREAS, that charter amendment also provided that in the case of a tie, the winner was to be determined by lot at a council meeting; and

WHEREAS, at the time of this charter amendment, FGC Sec. 3.125(d) provided that if there was a tie vote, there would be a runoff election between the two tied candidates; and

WHEREAS, FGC Sec. 3.125(d) was never amended to reflect the change to Charter Section 11.7, and it was carried forward as FGC Sec. 22-25(f) in the revised version of the Fairbanks General Code; and


WHEREAS, the intent of the 1986 amendment to the Fairbanks City Charter was to eliminate runoff elections for council member seats and decide ties via lot.

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

Section 1. Fairbanks General Code Sec. 22-25(f) is hereby amended as follows [new text in bold/underline font; deleted text in ~~strikethrough~~ font]:

(f) In case of failure to elect because of a tie vote, the city ~~clerk~~council shall immediately **proceed with a recount of votes**~~cause the canvass board to recount the votes. If there is still a failure to elect because of a tie vote in the regular election, the names of the two tied candidates shall be entered in a runoff election. In case of failure to elect in a runoff election because of a tie vote, the city council shall immediately cause the canvass board to recount the votes. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by lot from among the candidates tying in a meeting of the city council and under its direction. **After the determination has been made by lot, the city council shall certify the result.**~~

Section 2. This ordinance will become effective the 3rd day of December 2022.



David Pruhs, City Mayor

YEAS: Cleworth, Marney, Ringstad, Sprinkle, Rogers, Tidwell
NAYS: None
ABSENT: None
ADOPTED: November 28, 2022

ATTEST:

APPROVED AS TO FORM:


D. Danyielle Snyder, MMC, City Clerk
Paul J. Ewers, City Attorney