

Presented by: The Manager
Presented: 02/05/2024
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-32

An Ordinance Clarifying the Process for Electing an Assemblymember Due to a Midterm Vacancy.

WHEREAS, CBJ Charter 3.6 and CBJC 11.10.040 provide standards for vacancies on the Assembly; and

WHEREAS, however, neither of those provisions provide clarity on the timing relationship between a midterm vacancy and the upcoming regular election; and

WHEREAS, consistent with state law, A.S. 29.26.010(a), and CBJ Charter 6.5(a), the Assembly prescribes rules for elections; and

WHEREAS, the formal public notice of the election must occur at least 30 days prior to the election (CBJ Charter 6.1, CBJC 29.07.010(e), A.S. 29.26.030), and CBJC 29.07.010(f)(3) dictates the contents of the notice, which includes specifying the Assemblymember seats that are vacant on the ballot; and

WHEREAS, the Election Official establishes the timeline for ballot formatting, proofing, and printing, which now generally requires all ballot items to be finalized 60 days prior to the election; and

WHEREAS, the Election Official may be able to reduce that 60-day deadline by a few days in certain years due to election vendor efficiencies and ballot language complexity; and

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2 WHEREAS, while those 60-day deadline reductions may be available in certain years,
3 they are not predictable enough every year for the regular election; and

4 WHEREAS, the community needs clarity when a midterm vacancy of a non-mayoral
5 Assemblymember seat is on the upcoming election for the following year's election; and

6 WHEREAS, this ordinance provides the necessary clarity to maintain election integrity, a
7 representative form of government, while balancing the practical needs of formatting, proofing,
8 and printing timely ballots.

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10 THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU,
11 ALASKA:

12 **Section 1. Classification.** This ordinance is of a general and permanent nature and
13 shall become a part of the City and Borough of Juneau Municipal Code.

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15 **Section 2. Amendment of Section.** CBJC 11.10.040 Vacancies, is amended to read:
16 **11.10.040 Vacancies.**

17 (a) Except for a vacancy in the office of mayor, a vacancy on the assembly shall be filled by the
18 assembly which shall appoint by majority vote of the remaining members a qualified resident of
19 the election district from which the vacancy arose to be the acting assemblymember until the
20 next regular election and a successor is elected. The person appointed by the assembly shall be
21 compensated in accordance with CBJ 11.15.050(b). The relationship between a midterm
22 vacancy and an upcoming election shall be governed by the following subsections.

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24 (1) If a midterm vacancy occurs more than 60 days, including day 60, from the upcoming
25 regular election, the vacant assemblymember seat shall be placed on the upcoming regular
election.

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2 (2) If a midterm vacancy occurs less than 60 days from the upcoming regular election, the
3 vacant assemblymember seat shall be placed on the following year's election.

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5 (b) If a vacancy in the office of mayor occurs within eight months before a regular election, or
6 if the mayoral term to be filled ends with the next regular election, the deputy mayor shall
7 succeed to the office of mayor until the next regular election and a successor is elected, at which
8 time, the deputy mayor shall resume their ~~his or her~~ assembly seat for the remainder of their
9 ~~his or her~~ term, if any. The deputy mayor shall be compensated in accordance with CBJ
10 11.15.050(a). The assembly shall fill the seat left vacant by the deputy mayor's succession by
11 appointing by majority vote of the remaining members a qualified resident from the same
12 election district as the deputy mayor. The person appointed by the assembly shall serve until
13 the next regular election and shall be compensated in accordance with CBJ 11.15.050(b).

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15 (c) If a vacancy in the office of mayor occurs more than eight months before a regular election,
16 the assembly shall call a special election to fill the unexpired mayoral term. The deputy mayor
17 shall serve as mayor until the new mayor takes office. The assembly shall fill the seat left
18 temporarily vacant by the deputy mayor's succession by appointing by majority vote of the
19 remaining members a qualified resident from the same election district as the deputy mayor.
20 The person appointed by the assembly shall serve until a new mayor takes office and the deputy
21 mayor resumes their ~~his or her~~ assembly seat. The person appointed by the assembly shall be
22 compensated in accordance with CBJ 11.15.050(b). This subsection shall not apply if the
23 mayoral term to be filled will end with the next regular election.
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Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2024.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk