



## OFFICE OF THE MUNICIPAL CLERK/ ELECTION OFFICIAL

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**Date:** May 12, 2023  
**To:** Mayor Weldon & Assembly  
**From:** Beth McEwen, Municipal Clerk/Election Official  
**Subject:** Timelines for October 3, 2023 Regular Municipal Election

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The next CBJ Regular Municipal Election is Tuesday, October 3, 2023.<sup>1</sup> Following the direction of the Assembly to conduct all CBJ elections by mail, the timelines for conducting the October 3, 2023 election are set forth below. All dates referenced below are for the 2023 calendar year unless otherwise noted. Please note that all code citations used in this memo are referring to the current code in place as of the date of this memo. The proposed changes in Ordinance 2023-24 do not affect the timing of the candidate filing period, petition process, or ballot proposition schedules.

### **CHARTER AMENDMENTS**

The Assembly may propose a Charter amendment by ordinance.<sup>2</sup> In order for a proposed amendment to be submitted to the voters at the regular election, an ordinance to amend the Charter would need to be adopted no earlier than Monday, June 5, and no later than Friday, August 4.<sup>3</sup> These deadlines are set to avoid the need to hold a special election. The first regular meeting for the Assembly to introduce a Charter amendment was May 8, the last regular scheduled meeting for the Assembly to adopt a Charter amendment is July 31, unless special meetings are scheduled for such purposes.

### **GENERAL BALLOT PROPOSITIONS**

Notice of the regular election must be published no later than Sunday, September 3.<sup>4</sup> The notice must state the purposes of the election. All ballot propositions must be finalized prior to the date the notice of election is published.

Ordinances or resolutions proposing a ballot proposition, other than a Charter amendment, must be adopted by July 31, in order to allow time for publishing the notice of election and for ballot preparation, printing and mailing to Juneau. I recommend introducing any ballot measure no

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<sup>1</sup> CBJ Charter Section 6.1 Regular Elections “A regular election shall be held annually on the first Tuesday in October, or such other date as the assembly may provide by ordinance.”

<sup>2</sup> CBJ Charter Section 14.2 Proposal by the Assembly “The assembly may propose Charter amendments by ordinance containing the full text of the proposed amendment and adopted by at least six votes of the assembly.”

<sup>3</sup> CBJ Charter Section 14.5 Election “The election shall be held not less than sixty days and not more than one hundred and twenty days after the amendment has been proposed. If no regular election is to be held within that period, the assembly shall provide for a special election on the proposed amendment.”

<sup>4</sup> CBJ Charter Section 6.1 Regular Elections “At least thirty days published notice shall be given of a regular election.”

later than the June 12 Regular Assembly meeting, with public hearing and Assembly action on July 10. If necessary, the Assembly could delay action until the next regular meeting of July 31. The Assembly can hold a special meeting to introduce or adopt a ballot ordinance, as long as a public hearing on the ordinance is held. The notice of public hearing on an ordinance must be published in a newspaper of general circulation at a minimum of seven days prior to the public hearing.<sup>5</sup>

### **PETITIONS**

A petition may propose to amend the CBJ Charter or the CBJ Municipal Code. There is an outlined procedure for conducting an initiative (to propose something new) or a referendum (to repeal something in existence). To start a petition, petitioners form a committee of five qualified municipal voters and submit an affidavit stating the purpose of the petition to the Clerk's office.<sup>6</sup>

A petitioner's committee is encouraged to submit a copy of the affidavit and the proposed ordinance, resolution or other measure to be initiated to the Municipal Attorney with a request that it be reviewed by the Attorney.<sup>7</sup>

After receipt of a petition affidavit, the Clerk has 15 work days to review and deny or approve the petition affidavit and, if approved, issue petition books. The petition committee then has 30 calendar days in which to obtain the signatures of qualified voters equal to 25% of the votes cast in the preceding regular municipal election. Based on the 9,137 total ballots counted during the 2022 election, twenty-five percent of that would require 2,284 signatures of qualified voters to certify a petition in the City and Borough of Juneau.<sup>8</sup>

The CBJ Charter and Code anticipates a timeframe, which can extend from 66 - 81 days from the time the affidavit is submitted in the Clerk's office to the time it is certified by the Clerk.<sup>9/10</sup> This includes 15 days for the Clerk to review and issue signature booklets to a petitioner's committee, 30 days for the collection of signatures, 10 days for the Clerk to certify signatures, and up to 20 additional days for petitioners to gather, and the Clerk to review, additional signatures if a timely submitted petition is found deficient.

The time frames for a certified petition proposition to be placed on the ballot vary depending on the type of petition proposed.<sup>11</sup> Petitioners are encouraged to contact the Clerk's office in March of each year begin working on the petition process. Below are the filing periods for each type of petition to potentially have a question appear on the October 3 ballot:

### **Initiative Petition Filing Period March 25 – April 11 Referendum Petition Filing Period April 11 – April 26**

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5 CBJ Charter Section 5.3 Ordinance Procedure (a) "...The public hearing on an ordinance shall follow publication by at least seven days..."

6 CBJ Charter Section 7.2 Commencement of Proceedings. (a) "Any five qualified municipal voters may commence initiative or referendum..."

7 CBJ Code Section 29.10.020 Attorney assistance on initiative petitions.

8 CBJ Charter Section 7.3

9 CBJ Code Section 29.10.025 Certification of Petitioners' Committee Affidavit

10 CBJ Charter Section 7.3 Petition "A petition...shall be filed in proper form with the clerk within thirty days after the date of issuance of petition pages" and 7.6 Examination for Sufficiency "Within ten days following the date on which the petition is filed in proper form, the clerk shall certify if it bears the required number of signatures"

11 CBJ Charter Section 14.5 Election (a) "Proposed (charter) amendments shall be submitted to the qualified voters of the municipality" and CBJ Charter Section 7.10 Action on Petitions (a) "When an initiative or referendum petition has been determined sufficient, the clerk immediately shall submit it to the assembly".

### **Charter Amendments**

If the petition proposes a Charter amendment, the Assembly *does not* participate in the process. Once certified, the proposition is placed on the ballot.<sup>12</sup> In order to meet publication deadlines for the Notice of Election and to avoid a special election the following dates are set for 2023:<sup>13</sup>

#### **Charter Amendments:**

**June 5** - Earliest day Clerk can certify a voter initiated Charter amendment petition. (Petitioner affidavit to be submitted no earlier than **March 31**.)

**August 4** - Last day Clerk can certify a voter initiated Charter amendment petition. (Petitioner affidavit to be submitted by **May 16** at the latest.)

If a Charter amendment petition is submitted outside of the timeframe to fall on a regularly scheduled election, a special election may be required to be held to determine the outcome.

### **Code Ordinances**

If the petition proposes adoption by initiative or repeal by referendum of an ordinance, the Assembly *does* participate in the process. Upon certification of an initiative or referendum petition, the Clerk submits it to the Assembly for review and possible action. In order to allow the greatest amount of time possible for the petition process, this timeline proposes a July 31 date by which the Assembly would take action to adopt a substantially similar ordinance or repeal the referred measure.

If the Assembly fails to adopt a proposed initiative measure without any change in substance within forty-five days or fails to repeal the referred measure within thirty days after the date the petition was determined sufficient, the proposed initiative or referred measure is submitted to the voters on the ballot. Since the last *regular* Assembly meeting to act on an ordinance to be placed on the October 3 ballot is July 31, any **referendum petition** should be certified by the Clerk and submitted to the Assembly by **June 30** to allow time for drafting and public notice of a proposed ordinance. The deadline by which the Clerk should certify and submit an **initiative petition** for adoption no later than the July 31 Assembly meeting would be **June 16**.

If a petition is submitted to the Assembly outside of the timeframe that would allow the measure to be placed on the regularly scheduled election, the Assembly determines whether it is in the best interest of the municipality to conduct a special election on the matter before the next scheduled election.<sup>14</sup>

A petitioners' committee for either a Code or Charter amendment is encouraged to discuss the matter with the Municipal Clerk and Municipal Attorney prior to action and is encouraged to start activities at the earliest date possible.

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12 CBJ Charter 14.5 (a) Election.

13 CBJ Charter Section 14.5 (b) Election (b) "The election shall be held not less than sixty days and not more than one hundred and twenty days after the amendment has been proposed."

14 CBJ Charter 7.10 Action on Petitions (b) The election on a proposed initiative or referred measure shall be held at the next regular election, or, if already scheduled, a special election occurring not sooner than 90 days from the last day on which the assembly action may be completed on the proposed initiative or referred measure. If no regular election is scheduled to occur within 75 days after the certification of a petition and the Assembly determines it is in the best interest of the municipality, the Assembly may, by ordinance, order a special election to be held on the matter before the next scheduled election. The notice of election shall contain at least a summary of the proposed initiative or referred measure.

### **CANDIDATE FILING PERIOD**

Since we are conducting the October 3, 2023 as a by-mail election in accordance with current CBJ Code 29.07.370, nominating petitions for the municipal election must be submitted no earlier than 8:00 a.m., Friday, July 14, and no later than 4:30 p.m., Monday, July 24.<sup>15</sup> These petitions are available in the Clerk's office and require the signatures of 25 registered CBJ voters.

In addition, to be considered a certified candidate, a printed/signed copy of the electronically submitted Alaska Public Offices Commission Public Official Financial Disclosure (APOC POFD) Statement must be submitted to the Clerk's office no later than the July 24, 4:30 p.m. deadline.<sup>16</sup>

A candidate may withdraw his or her name from the printed ballot no later than 4:30 p.m. on Friday, July 28.<sup>17</sup>

Candidates may submit an official candidate statement for publication on the CBJ website as early as the filing of their nominating petition but no later than August 18.<sup>18</sup>

Attached is our *Quick Reference Dates-Working Draft* document that outlines all the above timelines.

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15 CBJ Code Section 29.07.370 (b) Candidates – Nomination

16 AS 39.50.020 (a)... Candidates for elective municipal office shall file the statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that a previously accepted filing fee be returned and the candidate's name removed from the filing records....(b)... Municipal officers, former municipal officers, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.

17 CBJ Code 29.07.370 (b) Any candidate nominated may withdraw his or her nomination not later than 4:30 p.m. of the 67th day before the election.

18 CBJ Code 29.07.370(c), Official Candidate Statement. Please contact the Election Official for the necessary forms/procedures for filing of these official candidate statements.