



OFFICE OF THE MUNICIPAL CLERK/ ELECTION OFFICIAL

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Date: April 22, 2022
To: Mayor & Assembly via Assembly Human Resources Committee
From: Beth McEwen, Municipal Clerk/Election Official
Subject: Timelines for October 4, 2022 Regular Municipal Election

The next CBJ Regular Municipal Election is Tuesday, October 4, 2022.¹ Following the direction to build and furnish the Thane Ballot Processing Center for the conduct of CBJ elections mainly using the by mail ballot processing method, the timelines for conducting the October 4, 2022 election are set forth below. All dates referenced below are for the 2022 calendar year unless otherwise noted.

Currently the Thane project is running on time and within budget to create a Juneau-based ballot processing center. The project timeline anticipates project completion by the end of July. Once it is complete, we intend to schedule opportunities for in person and/or virtual tours of the facility by Assemblymembers, staff, and the public to demonstrate the ballot processing methods and timelines.

In December 2021, the State of Alaska Division of Elections notified municipalities that they will no longer be loaning election equipment to local municipalities for the conduct of local elections. As such, CBJ elections for the foreseeable future will not have the same opportunities for precinct-based voting that we had prior to 2020. Rather, we will focus on providing in person voting opportunities for a two week period, up to and including Election Day, at Vote Centers. These would be in addition to voters having the convenience of a by mail ballot with options to return their ballots either in person at a Vote Center, via secure ballot drop box which will be open 24/7 for a two week window closing at 8:00p.m. on Election Day, or placing a stamp on the envelope and returning it via first class mail.

Lessons learned during the 2021 regular municipal election highlight the fact that the Mendenhall USPS and other post offices generally do not postmark ballot envelopes that are returned using First Class Business Reply Mail. As such it is my recommendation that we revert back to a return ballot envelope that requires the voter to affix their first class postage, as we did in 2020. Voters will still have the option to place their return ballot in one of the secure ballot boxes, or bring it in person to a Vote Center, but if they do chose to mail it back, they will need to provide their own postage and would be encouraged to have the post office hand cancel the envelope with a legible postmark.

¹ 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.”

CHARTER AMENDMENTS

The Assembly may propose a Charter amendment by ordinance.² 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 6, and no later than Friday, August 5.³ 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 is May 16, the last regular scheduled meeting for the Assembly to adopt a charter amendment is August 1, unless special meetings are scheduled for such purposes.

GENERAL BALLOT PROPOSITIONS

Notice of the regular election must be published no later than Sunday, September 4.⁴ 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 August 8, in order to allow time for publishing the notice of election and for ballot preparation, printing and mailing to Juneau. We recommend introducing any ballot measure no later than the June 13 Regular Assembly meeting, with public hearing and Assembly action on July 11. If necessary, the Assembly could delay action until the next regular meeting of August 1. 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.⁵

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.⁶

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 City and Borough Attorney with a request that it be reviewed by the Attorney.⁷

² 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."

³ 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."

⁴ CBJ Charter Section 6.1 Regular Elections "At least thirty days published notice shall be given of a regular election."

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.

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 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 8,517 total ballots counted during the 2021 election, twenty-five percent of that would require 2,129 signatures of qualified voters to certify a petition in the City and Borough of Juneau.⁸

The CBJ Charter and Code anticipates a timeframe, which can extend up to 55 - 75 days from the time the affidavit is submitted in the Clerk's office to the time it is certified by the Clerk.^{9/10} 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.¹¹ Petitioners were encouraged to contact the Clerk's office no later than April 12 to begin working on the petition process.

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.¹² In order to meet publication deadlines for the Notice of Election and to avoid a special election the following dates are set for 2022:¹³

Charter Amendments:

June 6 - Earliest day Clerk can certify a voter initiated charter amendment petition.
(Petitioner affidavit to be submitted no earlier than April 13.)

August 5 - Last day Clerk can certify a voter initiated charter amendment petition.
(Petitioner affidavit to be submitted by May 17 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.

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".

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."

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 an August 1 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 4 ballot is August 1, any referendum petition should be certified by the Clerk and submitted to the Assembly by July 5 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 August 1 Assembly meeting would be June 17.

If a petition is submitted to the Assembly outside of the timeframe which 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.¹⁴

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.

CANDIDATE FILING PERIOD

Provided we are conducting the October 4, 2022 as a by-mail election in accordance with CBJ Code 29.07.370, nominating petitions for the municipal election must be submitted no earlier than 8:00 a.m., Friday, July 15, and no later than 4:30 p.m., Monday, July 25.¹⁵ 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 25, 4:30 p.m. deadline.¹⁶

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.

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

A candidate may withdraw his or her name from the printed ballot no later than 4:30 p.m. on Friday, July 29.¹⁷

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 19.¹⁸

Attached is our *Quick Reference Dates-Working Draft* document which outlines all the above timelines. Due to a number of factors related to the initiative and election process, some of these dates are dynamic and may change based on approval, denial, or subsequent actions required during the petition process.

Next Steps:

CBJ Code 29.07.370(a) currently states “**At the direction of the assembly by motion, the election official may conduct an election by mail.**” While the Assembly has expressed its intent for the October 4, 2022 election to be conducted by mail, a formal motion has not yet been made and adopted. **I would ask that the Assembly make and pass a motion at the next regular meeting to conduct the October 4, 2022 as a by mail election in accordance with CBJ Code 29.07.370.**

We have prepared draft election code changes for consideration by the Assembly. An overview of these changes will be discussed by Mr. Palmer and myself at the April 25, 2022 Assembly Human Resources Committee meeting. We then anticipate having an ordinance ready for introduction at the May 16 Regular Assembly meeting with public hearing and Assembly action scheduled for the June 13 Regular Assembly meeting. Since ordinance changes take effect 30 days after adoption, this would allow for the election code changes to be in effect by the opening of the candidate filing period on July 15.

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.