

Proposed by:	Civic Affairs Committee
Attorney Review:	05/22/2018
First Reading:	06/07/2018
Second Reading:	06/21/2018
Vote:	6 Aye 0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 18-12

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC SECTION 2.20.040 WRITE-IN CANDIDATES AND SMC SECTION 2.32.020 COUNTING OF WRITE-IN VOTES, OF TITLE 2 ELECTIONS, TO CONSOLIDATE AND SIMPLIFY THE RULES ON COUNTING WRITE-IN VOTES.

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend SMC Sections 2.20.040 and 2.32.020 of Title 2, Elections, to consolidate and simplify the rules on counting write-in votes for candidates.

Section 3. Amendment. The Skagway Municipal Code is hereby amended; (~~strike through~~) indicates text to be deleted from and **bold** indicates text added to the current code. SMC Section 2.20.040 is hereby amended as follows:

2.20.040 Write-in candidates.

A. Any qualified person who fails to file a Declaration of Candidacy within the time allotted for filing for office and wishes to be a candidate in the municipal election, may file as a write-in candidate by submitting a Letter of Intent to the municipality. Votes for a write-in candidate ~~may~~ **shall** not be counted unless that candidate has **timely** filed a letter of intent with the borough clerk stating:

1. The full name of the candidate;
2. The full residence address of the candidate;
3. The full mailing address of the candidate;
4. The identification of the office for which the candidate is running, together with the number of years in the term to be filled and the beginning and ending dates thereof;
5. The date of the election at which the candidate seeks election;
6. The name of the candidate as the candidate wishes it to be written on the ballot by the voter;
7. A statement that the candidate meets each of the requirements for persons qualified to vote at this particular election; **and**
8. That the candidate is not a candidate for any other office to be voted on at this election and that the candidate is not a candidate for this office under any other declaration of candidacy.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 18-12

Page 2 of 3

- B. The letter of intent shall **must** be submitted **to the borough clerk** no later than 5:00 p.m. on the Friday preceding the date of the election. Along with the letter of intent, the candidate must also file a Public Official's Financial Disclosure Statement with the borough clerk.
- ~~C. The votes will be counted for each individual write-in candidate if:~~
- ~~1. a "Write-in Candidate's Letter of Intent" is on file with the borough clerk and~~
 - ~~2. the total number of write-in votes in a race is the most votes; or~~
 - ~~3. the total number of write-in votes in a race is the second highest, and the difference between the write-in votes and the highest candidate votes is less than .5%.~~

Section 4. Amendment. The Skagway Municipal Code is hereby amended; (strike through) indicates text to be deleted from and **bold** indicates text added to the current code. SMC Section 2.32.0020 is hereby amended as follows:

2.32.020 Counting of write-in votes.

- A. Write-in votes for a candidate shall not be counted unless the candidate has timely filed a letter of intent with the borough clerk as required by SMC 2.20.040.**
- B. Write-in votes cast in a race will be counted individually by person if the total number of write-in votes for an office exceeds the lowest number of votes cast for a candidate for that office whose name is printed on the ballot; provided, however, that in races where there are fewer candidate names printed on the ballot for the office than there are vacant seats for that office, write-in votes cast in that race will be counted individually.**
- ~~A. Counting write-in votes will only be done under this section if the aggregate of all votes cast for all write-in candidates for the particular office is:~~
- ~~1. the highest number of votes received by any candidate for the office; or~~
 - ~~2. the second highest number of votes received by any candidate and the difference between the total number of votes received by the candidate having the highest number of votes and the aggregate of all votes cast for all write-in candidates for the office is less than the percentage necessary for a recount at the municipality's cost.~~
- BC.** Write-in votes for fictional names or names that are not a person, such as "Mickey Mouse", or "None of the Above", will not be counted.
- ~~**CD.** Write-in votes that do not meet the requirements of this section will not be individually counted under this section.~~
- ~~**DE.** If the Chair determines that the requirements of this section have been met, the election board will commence counting the **write-in** votes for that particular office.~~

Section 5. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 18-12

Page 3 of 3


Section 6. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 21st day of June, 2018.



Monica Carlson, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

