

**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 2.12.070(B), TO REFLECT A NOVEMBER ELECTION DATE; AND AMENDMENTS TO TITLE 25, ELECTIONS, TO CHANGE THE PROVISIONS OF WHEN THE ASSEMBLY ADOPTS BALLOT PROPOSITIONS FOR A MORE TIMELY MAILING OF THE ELECTION BROCHURE AND TO DELETE THE PROVISIONS FOR MAYORAL RUNOFF ELECTIONS.


**AGENDA OF:** March 19, 2019

**ASSEMBLY ACTION:**

Adopted without objection 4-2-19  


**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** 

Route To:	Department/Individual	Initials	Remarks
	Originator	LRM	
	Borough Attorney	NS	
	Borough Clerk	JAM	3/11/19 

**ATTACHMENT (S):** Fiscal Note: YES  NO   
 Ordinance Serial No. 19-045 (8 pp)

**SUMMARY STATEMENT:**

This legislation is being sponsored by Assemblymember Sumner on behalf of the Clerk. This legislation (1) changes code to reflect the Borough's November election date, (2) moves the timeframe to adopt propositions for the ballot up by a week to allow for more time for the brochure to be mailed to voters, and (3) deletes the mayoral runoff provisions in code.

**SECTIONAL ANALYSIS OF THE CODE CHANGES**

Section 2. Changes to MSB 2.12.070(B) - Meetings  
 Code currently says that Assembly meetings will not be scheduled the first week of October because of the regular election. This has been changed to the first Tuesday following the first Monday in November.

Section 3. Changes to MSB 25.05.010 - Definitions

Definition of "regular election" changed to reflect a November election.

Please see below regarding the deletion of the definition for "runoff"

Section 4. Changes to MSB 25.05.067 - Propositions & Questions

Section 5. Changes to MSB 25.05.120 - Informational Brochures for Election

Section 4 and 5 are being changed for the same reasons.

The Clerk's office works to get the election brochure out to the voters in the mail prior to absentee in-person voting beginning. With the timeframes for the adoption of the ballot propositions, finalizing the brochure after the propositions are adopted, and the printers schedule can make this very challenging. In the 2018 election the brochure was mailed the Friday before absentee in-person voting began. By requiring that the propositions be adopted a week earlier for the regular election, the election brochure will be mailed to the voters more timely for their review of the brochure prior to voting. Please also keep in mind that we are having to hold back the production of the election brochure by 7 days due to MSB 25.05.067(B)(2), that allows for pro/con statements be placed in the brochure 7 days **after** the proposition deadline.

The special election timeframe to adopt propositions does not need to be changed at this time.

**MAYORAL RUNOFF ELECTIONS**

The remainder of the sections of the ordinance delete the provisions for mayoral runoff elections (Sections 6 through 13)

Per Borough code, a candidate for the office of mayor must receive more than 40 percent of the votes to be elected. If one of the candidates does not receive more than 40 percent of the votes cast, the two candidates with the most votes would move forward to a runoff election. Assembly and school board members are elected by a majority vote.

The Mat-Su Borough is a 2<sup>nd</sup> class borough with a strong manager form of government and not a strong mayor form of government. In our form of government the manager is the chief executive officer; while the mayor's duties per MSB 2.08.040 are:

- presides at all assembly meetings. The Mayor may take part in the discussion of matters before the assembly, but may not vote, except that the mayor may vote in the case of a tie;
- acts as ceremonial head of the borough;

- signs documents on behalf of the borough upon assembly authorization;
- appoints members to boards and commissions, which are confirmed by the assembly;
- may veto any ordinance, resolution, motion or other action of the assembly, and may, by veto, strike or reduce items of appropriation ordinances.

The Clerk's Office budgets for a possible mayoral runoff every three years. The projected costs of a runoff election is approximately \$100,000.

Per code, a runoff election will be held the 4<sup>th</sup> Tuesday following the election or 3 weeks after the date the election is certified.

The Borough would have at the most just 3 weeks (21 days) after certification to organize and conduct an election, with absentee and/or early voting happening 8 days prior to this (13 days after certification). This is a very fast timeframe, when we will not even know for sure which two names that will need to go on the runoff ballot until the night of election certification.

The timeframes in code would also put the runoff election during the week of Thanksgiving or the week after Thanksgiving. If the election day fell the week after Thanksgiving, absentee voting would be occurring the week of Thanksgiving. Thanksgiving week marks the beginning of the holiday season that runs until New Year's Day. During the holiday season voters and election officials are busy and/or out of state. Elections should not be held during a time of the year that election officials would be hard to come by and voters may not be available to vote.

The timeframe provisions for mayoral runoff elections have been in the code for a long time, when the Borough had a much smaller population and the number of precincts needed and election officials needed to hold an election was much less.

Even if the timeframes for holding a runoff election were to extend past the holiday season, which would be approximately 2-1/2 months after the regular election, the public and the Borough have a vested interest in the finality of election results and knowing who their elected representative will be.

Reasons why Runoff provisions should be deleted from code:

- The Mat-Su is a 2<sup>nd</sup> class borough with a strong manager form of government;
- Assembly and school board members are elected by a majority vote;

- The Clerk budgets every mayoral election year for a possible runoff election at \$100,000;
- The timeframe within code to hold a runoff election, is not feasible with all that needs to occur to hold an election;
- It is not in the Borough's or the voters best interest to hold an election during the holiday season;
- It is in the best interest of the public and the Borough that the election results are finalized as soon as possible.

**RECOMMENDATION OF ADMINISTRATION:** Adoption of legislation.