

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 2.12.030 TO CLARIFY THE DURATIONAL RESIDENCY REQUIREMENT FOR ASSEMBLY DISTRICTS.

AGENDA OF: April 5, 2022

ASSEMBLY ACTION:

Adopted without objection
4-19-22 (BSON)

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: WB

Route To:	Department/Individual	Initials	Remarks
	Originator	NS	
	Borough Attorney	NS	
	Borough Clerk	gml 3/28/22	(BSON)

ATTACHMENT (S): Fiscal Note: YES ___ NO X
Ordinance Serial No. 22-045 (2 pp)

SUMMARY STATEMENT: This ordinance is sponsored by the Borough Manager on behalf of the Borough Clerk to clarify the residency requirement for Assemblymembers.

MSB 2.12.030 currently provides that a person must be a resident of the Matanuska-Susitna Borough for one year before an election to be eligible to file to run for a seat on the Borough Assembly. In 2016, MSB 2.12.030 was amended to provide that a person must also be a resident in the Assembly district for which they file for one year immediately prior to the election. See ORD 16-002, IM 16-004.

Now, in 2022, because of the changes in population throughout the Borough, the Assembly must approve and submit to voters a plan or reapportionment to change Assembly district boundaries to comply with constitutional voting requirements.

One issue that has come to light is how to construe MSB 2.12.030's one year Assembly district residency requirement when the boundaries change, but a potential candidate has not moved: does

MSB 2.12.030 prevent residents from being eligible to run if they have not moved and the boundary has placed them in a different district, or does MSB 2.12.030 allow the Clerk to evaluate such questions based upon the new boundaries of the district.

This ordinance seeks to clarify the answer to that issue and set a rule that so long as a person has resided in the area to be represented for one year prior to the election, they meet the eligibility requirement. Thus, for people who have not moved for a year but are in a different district because that Assembly district line moved, they would be eligible to run for the redrawn district. There are no cases from the Alaska Supreme Court interpreting the language of Art 2, Sec 2 of the Alaska Constitution which contains similar language. The language of this ordinance is mirrored from the constitution of the State of Georgia.

RECOMMENDATION OF ADMINISTRATION: Adopt legislation.