

Submitted by: Assembly Members Cross and Allard

Prepared by: Assembly Counsel

For reading: August 23, 2022

**ANCHORAGE, ALASKA
AO No. 2022-77**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY SUBMITTING TO THE**
2 **QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE A BALLOT**
3 **PROPOSITION AMENDING THE ANCHORAGE MUNICIPAL CHARTER**
4 **REGARDING FILLING VACANCIES ON THE ASSEMBLY AND IN THE OFFICE**
5 **OF THE MAYOR, AND TO EXCLUDE THE COSTS FOR SPECIAL ELECTIONS**
6 **FOR THESE OFFICES FROM THE TAX INCREASE LIMITATION (“THE TAX**
7 **CAP”).**
8

9
10 **THE ANCHORAGE ASSEMBLY ORDAINS:**

11
12 **Section 1.** Pursuant to state law and the Anchorage Municipal Charter, a ballot
13 proposition in substantially the form and substance as set forth in Section 2 below
14 with proposed amendments to the Charter shall be submitted to the qualified voters
15 of the Municipality at the next regular election to be held April 4, 2023.

16
17 **Section 2.** The following proposition shall be presented to the voters:

18
19 **PROPOSITION NO. __**

20
21 This proposition will amend the Anchorage Municipal Charter regarding filling
22 vacancies on the Assembly and in the office of Mayor. It will (1) change the
23 period for holding a special election to fill a vacancy on the Assembly from
24 “not more than 60 days” after the occurrence of the vacancy to not more than
25 90 days, (2) revise the requirements for electing a successor when there is a
26 vacancy in the office of the Mayor, and (3) exclude costs for special elections
27 for these offices from the tax increase limitation calculation, or “tax cap.”

28
29 The proposition would amend Anchorage Municipal Charter Sections 7.02
30 and 14.03(b) as follows (additions shown in **underline and bold**, deletions
31 indicated by **[brackets, strikethrough, and bold]**; current text of the Charter
32 omitted indicated by ***):

33
34 **Section 7.02. - Filling vacancies in elective office.**

35 ***

36 (b) If a vacancy occurs on the assembly, the remaining members
37 may appoint a qualified person to fill the vacancy within 30 days. The
38 person appointed shall serve until the next regular or special election,
39 at which time a successor shall be elected to serve the balance of
40 the term. If the vacancy occurs more than six months before the next
41 regular election, the assembly shall provide for a special election to
42 fill the vacancy not more than **90 [60]** days after the occurrence of

1 the vacancy. If less than 30 days remain in a term when a vacancy
 2 occurs, the vacancy shall not be filled. However, if at any time, the
 3 membership is reduced to **less [fewer]** than a quorum, the remaining
 4 members, within seven days, shall appoint a number of qualified
 5 persons sufficient to constitute a quorum.

6
 7 (c) ~~If [A vacancy in the office of mayor shall be filled at a~~
 8 ~~regular or special election held not less than 90 days from the~~
 9 ~~time the vacancy occurs. If less than 90 days remain in the term~~
 10 ~~when the vacancy occurs, the vacancy shall not be filled. When]~~
 11 a vacancy occurs in the office of mayor, the chair of the assembly
 12 shall serve as acting mayor until a successor is elected and takes
 13 office. The acting mayor has the veto power, but may not vote on
 14 assembly action. The assembly by ordinance shall provide for further
 15 succession to the office of acting mayor. **An elected successor**
 16 **shall serve the balance of the term, except as otherwise stated**
 17 **in this section, and shall take office 30 days after certification of**
 18 **the election. A vacancy in the office of mayor shall be filled**
 19 **through a special election held no sooner than 90 days but not**
 20 **more than 120 days after the occurrence of the vacancy, except:**

21
 22 **(1) If it is the final year of the mayor's term of office when the**
 23 **vacancy occurs and:**

24 **(A) less than 150 days remain until the next regular**
 25 **election: the vacancy shall not be filled and the**
 26 **acting mayor shall serve until the person elected**
 27 **mayor to a new term takes office.**

28 **(B) there are less than 270 days and 150 days or more**
 29 **until the next regular election: the vacancy shall be**
 30 **filled through a special election held no sooner than**
 31 **90 days and not more than 120 days after the**
 32 **occurrence of the vacancy, and the elected**
 33 **successor shall serve the balance of the term and**
 34 **the next full term, Charter section 5.01**
 35 **notwithstanding. There shall be no election for**
 36 **mayor at the next regular election.**

37 **(2) In other years, if the vacancy occurs 90 days or more but**
 38 **less than 150 days before the next regular election, a**
 39 **successor may be elected at the regular election.**

40
 41
 42 **Section 14.03. - Tax increase limitation.**

43 ***

44 (b) The limitations set forth in subsection (a) do not apply to the
 45 following:

46 ***

47 **(7) Taxes required to pay the costs of special elections to fill**
 48 **vacancies in the office of mayor or the assembly.**

49 ***

Shall the Anchorage Municipal Charter be amended as set forth above?

Yes [] No []

Section 3. The Municipal Clerk shall incorporate amendments to the AO and adjust the formatting for printing the proposition on the ballot to clearly show voters only the changes to the Charter language by the final passed and approved AO version as amended.

Section 4. The amendments to the Charter shall be effective 30 days after certification of the election, subject to approval of the proposition contained in Section 2 of this ordinance. The remainder of this ordinance shall be effective immediately upon passage and approval of the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2022.

Chair

ATTEST:

Municipal Clerk

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