

**ANCHORAGE, ALASKA
AO No. 2022-95**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE CHAPTER 2.70, VACANCIES IN ELECTIVE OFFICE, TO**
3 **PROVIDE A TIMELINE FOR A SPECIAL ELECTION TO FILL A VACANCY IN**
4 **THE OFFICE OF THE MAYOR AND PROVIDE THAT THE MAYOR-ELECT**
5 **TAKES OFFICE 30 DAYS AFTER CERTIFICATION OF THE ELECTION, AND TO**
6 **CLARIFY THE SEPARATE PROCESSES FOR FILLING A VACANCY IN AN**
7 **ASSEMBLY SEAT, AND AMENDING AMC SECTION 3.20.030 TO CONFORM.**

8
9 **WHEREAS**, the Anchorage Home Rule Charter § 7.02, "Filling Vacancies in Elective
10 Office," establishes procedures and time restrictions on filling vacancies on the
11 school board, assembly, and office of the mayor; and
12

13 **WHEREAS**, Charter § 7.02(c) for filling a vacancy in the office of the mayor requires
14 that a regular or special election not be held until after 90 days have passed
15 following the date the vacancy occurred;
16

17 **WHEREAS**, The Charter does not specify an outer limit on the time to hold a special
18 election to fill a vacancy in the office of the mayor, theoretically a special election
19 may not be held for many months or even over a year; and
20

21 **WHEREAS**, It is prudent and in the public interest to elect a new mayor as soon as
22 practicable to fill a vacancy; now, therefore,
23

24 **THE ANCHORAGE ASSEMBLY ORDAINS:**
25

26 **Section 1.** Anchorage Municipal Code section 2.70.020 is hereby amended to
27 read as follows (*the remainder of the section is not affected and therefore not set*
28 *out*):
29

30 **2.70.020 - Assembly vacancy; t[T]imeline and [FOR FILLING**
31 **VACANCIES;] procedure for filling vacancies, or [;**
32 **declining to fill the vacancy.**

33 *** *** ***

34 (AO No. 87-139; AO No. 95-148, § 1, 7-25-95; AO No. 2009-134, § 1, 1-12-
35 10; Ord. No. 2019-89(S) , § 1, 11-5-19)
36

37 **Section 2.** Anchorage Municipal Code chapter 2.70 is hereby amended to add a
38 new section to read as follows:
39

40 **2.70.025 Mayor's office vacancy.**

41
42 A. A vacancy in the office of mayor shall be filled in accordance with
43 Charter § 7.02.
44

1 B. If the vacancy occurs more than 270 days before the next regular
 2 election, the assembly shall call for a special election to fill the
 3 vacancy. The special election shall be held not less than 90 days
 4 and not more than 120 days after the occurrence of the vacancy. If
 5 a vacancy occurs less than 270 days before the next regular
 6 mayoral election but more than 90 days before the end of the
 7 mayoral term, the assembly may determine to fill the vacancy at a
 8 special election or the next regular mayoral election. The mayor-
 9 elect shall take office upon certification of the results of the special
 10 election, or of a runoff election if required.

11
 12 C. A successor mayor elected at a special election or subsequent runoff
 13 election shall serve the balance of the term and shall take office 30
 14 days after certification of the election.
 15

16 **Section 3.** Anchorage Municipal Code section 3.20.030 is hereby amended to
 17 read as follows (*the remainder of the section is not affected and therefore not set*
 18 *out*):
 19

20 **3.20.030 - Qualifying of mayor; transition period for mayor-elect.**
 21

22 A. The mayor shall be deemed qualified and shall take office by taking
 23 and subscribing to the oath required by section 17.07 of the Charter
 24 on July 1, or as soon thereafter as practicable, following [HIS]
 25 certification as mayor-elect at a regular municipal election or a runoff
 26 election held in accordance with the Charter and section 28.20.010. A
 27 mayor elected at a special election or subsequent runoff election to fill
 28 a vacancy in the office shall take office 30 days after certification, or
 29 as soon thereafter as practicable. The mayor shall continue to serve
 30 and to exercise all powers of the [HIS] office until a [HIS] successor
 31 qualifies and takes office in accordance with this section.
 32

33 *** **
 34 (AO No. 78-45; AO No. 79-27; AO No. 93-137, § 1, 9-21-93)
 35

36 **Section 3.** This ordinance shall be effective immediately upon passage and
 37 approval by the Assembly.
 38

39 PASSED AND APPROVED by the Anchorage Assembly this _____ day
 40 of _____, 2022.
 41

42
 43
 44 _____
 45 Chair

46 ATTEST:
 47
 48
 49 _____
 50 Municipal Clerk
 51



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 598-2022

Meeting Date: October 11, 2022

From: Assembly Vice Chair Constant

Subject: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 2.70, VACANCIES IN ELECTIVE OFFICE, TO PROVIDE A TIMELINE FOR A SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF THE MAYOR AND PROVIDE THAT THE MAYOR-ELECT TAKES OFFICE 30 DAYS AFTER CERTIFICATION OF THE ELECTION, AND TO CLARIFY THE SEPARATE PROCESSES FOR FILLING A VACANCY IN AN ASSEMBLY SEAT, AND AMENDING AMC SECTION 3.20.030 TO CONFORM.

This proposed ordinance borrows a sentence from the Charter 7.02(b) on filling a vacancy on the Assembly: "If the vacancy occurs more than six months before the next regular election, the assembly shall provide for a special election to fill the vacancy not more than 60 days after the occurrence of the vacancy." But instead of within 60 days, the special election must be held after 90 days have passed from the date of occurrence of the vacancy (in accordance with Charter § 7.02(c)), but not more than 120 days after. An exception to this general rule is included for when the vacancy is in the final year of the mayoral term and less than 270 days before the regular election for the office, allowing the Assembly to determine whether to hold a special election for the balance of the term even though it may occur close to the regular election date, or to wait until the regular election date and allow the acting mayor to serve until the new mayor-elect takes office on July 1, pursuant to AMC section 3.20.030A. This process for filling a vacancy in the office of the mayor is set forth in a new section within Chapter 2.70, Filling vacancies in elective office.

A clarifying change is included in the ordinance to change the title of AMC section 2.70.020 to clearly indicate it only applies to Assembly vacancies. For the office of mayor, a new section is added to not intermingle the two processes. Finally, a new phrase is added to the section regarding when a mayor-elect takes office, to shorten the time when the person was elected at a special election to fill a vacancy.

I request your support for the ordinance.

Prepared by: Assembly Counsel
Respectfully submitted: Christopher Constant, Assembly Vice-Chair
District 1, North Anchorage