

Submitted by: Assembly Vice Chair Constant

Prepared by: Assembly Counsel

For reading:

## ANCHORAGE, ALASKA

AO No. 2022-\_\_\_\_\_

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**  
2 **MUNICIPAL CODE SECTIONS 3.20.030 AND 28.20.010 TO ESTABLISH A**  
3 **TIMELINE FOR FILLING A VACANCY IN THE OFFICE OF THE MAYOR.**

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4  
5 **WHEREAS**, Article VII of the Anchorage Municipal Charter, *Vacancies in Elective*  
6 *Office*, establishes the standards for determining a vacancy exists and a process  
7 and timeframe for filling vacancies; and

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9 **WHEREAS**, Charter § 7.02 establishes a time limit for filling a vacancy on the  
10 Anchorage School Board or Anchorage Assembly each with a distinct outer limit for  
11 electing a successor, but lacks an outer limit for filling a vacancy in the office of the  
12 Mayor stating only that it “shall be filled at a regular or special election held not less  
13 than 90 days from the time the vacancy occurs”; and

14  
15 **WHEREAS**, The above Charter provisions have been implemented by ordinance  
16 detailing the process and timeline for filling a vacancy on the Assembly, codified in  
17 Anchorage Municipal Code section 2.70.020; and

18  
19 **WHEREAS**, There is currently no Code provision similarly codifying a process and  
20 timeline for filling a vacancy in the office of the Mayor; and

21  
22 **WHEREAS**, Past vacancies in the office of the Mayor were surrounded by  
23 controversy and debate over when it should be filled; and

24  
25 **WHEREAS**, Anchorage will benefit from having a clear process and timeline and  
26 the purpose of this ordinance is to complete implementation of Charter § 7.02 by  
27 enacting Code provisions that fill the existing omission identified above; now,  
28 therefore,

29  
30 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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32 **Section 1.** Anchorage Municipal Code section 3.20.030 is hereby amended to  
33 read as follows (*the remainder of the section is not affected and therefore not set*  
34 *out*):

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36 **3.20.030 - Qualifying of mayor; filling a vacancy in the office of the**  
37 **mayor; transition period for mayor-elect.**

- 38  
39 A. The mayor shall be deemed qualified and shall take office by taking  
40 and subscribing to the oath required by section 17.07 of the Charter.  
41 A mayor-elect to a new term shall, following certification of a regular  
42 or runoff election, take office on July 1, or as soon thereafter as  
43 practicable. A mayor-elect to fill the balance of a term remaining after  
44 a vacancy in the office shall, following certification of a regular, special

1 or runoff election, take office 30 days after certification, or as soon  
 2 thereafter as practicable. The election of the mayor shall be [,  
 3 FOLLOWING HIS CERTIFICATION AS MAYOR-ELECT AT A  
 4 REGULAR MUNICIPAL ELECTION OR A RUNOFF ELECTION] held  
 5 in accordance with the Charter and section 28.20.010. The mayor  
 6 shall continue to serve and to exercise all powers of his office until his  
 7 successor qualifies and takes office in accordance with this section.  
 8

9 B. Whenever a vacancy in the office of the mayor occurs, the assembly  
 10 shall meet on or before the next regular meeting and decide whether  
 11 to fill the vacancy at the next regular election or at a special election  
 12 held in accordance with Charter § 7.02(c) and Title 28.

13 1. If the vacancy occurs 90 days or more but less than 120 days  
 14 before the next regular election, a successor may be elected  
 15 through the regular election.

16 2. If filled through a special election, it shall be held no sooner  
 17 than 90 days and not more than 270 days after the occurrence  
 18 of the vacancy.  
 19

20 C. During the transition period established by this section and until the  
 21 beginning of the next fiscal year, a person elected as mayor shall be  
 22 compensated at the rate fixed for the mayor by the commission on  
 23 salaries and emoluments for the current fiscal year. The mayor's  
 24 compensation beginning the next fiscal year shall be at the rate  
 25 established by the commission on salaries and emoluments in  
 26 accordance with chapter 4.10 and the Charter.  
 27

28 D[C]. The mayor-elect shall work with the mayor during the transition period  
 29 established by this section to ensure that the orderly administration of  
 30 municipal affairs is maintained.  
 31

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

35 **Section 2.** Anchorage Municipal Code section 28.20.010 is hereby amended to  
 36 read as follows (*the remainder of the section is not affected and therefore not set*  
 37 *out*):  
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39 **28.20.010 - Time and method for elections.**  
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41 \*\*\*                      \*\*\*                      \*\*\*

42 B. The assembly may call a special election only by adoption of a  
 43 resolution establishing the special election date. If the election is for  
 44 the purpose of electing candidates to fill offices, the resolution shall  
 45 establish dates for publishing notice of vacancies and the time for filing  
 46 declarations of candidacy. Special elections shall be called in  
 47 accordance with applicable Charter, code, and law, including:

48 1. The Charter:

49 a. Section 3.02, initiative and referendum;

50 b. Section 3.03, recall;

51 c. Section 7.02, filling vacancies in elective office;

52 2. Anchorage Municipal Code:

- a. Chapter 2.50, initiatives, referenda and recall;
- b. Chapter 2.70, vacancies in elective office;
- c. Section 3.20.030, filling a vacancy in the office of the mayor;
- d. Chapter 28.20, time for elections; notices;
- e[D]. Section 28.40.020, preparation and distribution.

C. A runoff election required by the results a regular or special election shall be held within three weeks from the date of certification of the election results.

D. Reserved.

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(GAAB 7.05.040.A; AO No. 85-75; AO No. 88-129(S-1); AO No. 91-50; AO No. 99-113, § 1, 8-10-99; AO No. 2000-167, § 1, 1-9-01; AO No. 2014-28, § 1, 2-25-14 - repealed by AO No. 2015-63, § 2, 7-14-15 ; AO No. 2016-33, § 1, 3-22-16 ; AO No. 2017-29(S) , § 2, 6-1-17; AO No. 2019-104 , § 4, 9-10-19; AO No. 2020-104 , § 1, 11-4-20; AO No. 2021-131(S), § 4, 1-14-21)

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

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

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Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk

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