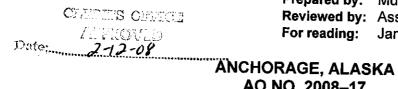
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Submitted by: ASSEMBLY MEMBER SULLIVAN

Prepared by: Municipal Clerk Reviewed by: Assembly Counsel For reading: January 29, 2008

AO NO. 2008-17

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 28.20.015, TIME FOR PASSAGE OF BALLOT PROPOSITIONS, TO REVISE THE DEADLINE FOR FINAL ACTION ON ALL ORDINANCES AND RESOLUTIONS CONTAINING BALLOT PROPOSITIONS PRIOR TO A REGULAR ELECTION.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 28.20.015, Time for Passage of Ballot Propositions, is hereby amended to read as follows:

28.20.015 Time for passage of ballot propositions.

The assembly shall take final action, including reconsideration, on all ordinances and resolutions containing ballot propositions or other matters relating to or affecting a regular election not later than 63 [49] days prior to such election.

(AO No. 94-240, § 1, 1-10-95)

Section 2. This ordinance shall become effective May 1, 2008, and shall apply to the subsequent election calendar for the regular election of April 7, 2009. The election code change at AMC 28.20.015 shall also be subject to the United States Department of Justice non-objection within the prescribed DOJ objection period.

PASSED AND APPROVED by the Anchorage Assembly this day of , 2008.

ATTEST:



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. <u>AM 53-2008</u>

Meeting Date: January 29, 2008

From: Subject:

Assembly Member Sullivan, at the request of the Office of the Municipal Clerk AO 2008–17 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING AMC SECTION 28.20.015, TIME FOR PASSAGE OF BALLOT PROPOSITIONS, TO REVISE THE DEADLINE FOR FINAL

ACTION ON ALL ORDINANCES AND RESOLUTIONS CONTAINING

BALLOT PROPOSITIONS PRIOR TO A REGULAR ELECTION.

Under the provisions of Section 5 of the Voting Rights Act of 1965, an election ballot proposition that proposes a change in "any voting qualification or prerequisite to voting, or standard, practice or procedure with respect to voting" within the jurisdiction of the State of Alaska has been subject since October 1975 to preclearance by the U.S. Department of Justice (DOJ), due to the state's large American Indian/Alaskan Native minority group. The DOJ has 60 calendar days from the receipt of the submission in which to interpose an objection to a change. 42. U.S.C. § 1973c. Any submission is considered premature without submission of the *final* enactment or administrative decision (i.e. special elections, boundary changes, polling places, ballots, notice procedures).

Courts have held that no voting practice is enforceable unless the covered jurisdiction has succeeded in obtaining DOJ preclearance. If a voting change subject to Section 5 has not been precleared, as a matter of law, plaintiffs are entitled to an injunction prohibiting implementation of the change. As standard practice, post-election review by the Department of Justice, to validate an election, is not recommended.

Under present municipal code, AMC 28.20.015, the Assembly "takes final action, including reconsideration, on all ordinances and resolutions containing ballot propositions or other matters relating to or affecting a regular election not later than 49 days prior to such election." This timeframe precludes timely filing with the Department of Justice.

The State of Alaska Division of Elections recommends selecting somewhere between 75 and 90 days before an election for final action on ballot propositions to allow for DOJ preclearance. Enactment of AO 2008-17 is more consistent with the requisite federal law 60-day timetable. The effective date falls after the regular election of April 1, 2008, and will apply to the Municipal Clerk's election calendar for the April 7, 2009 election. The assembly shall take final action on ballot propositions by Tuesday, February 3, 2009 – 63 days before the April 7, 2009 election.

Respectfully submitted:

Office of the Municipal Clerk

Municipality of Anchorage MUNICIPAL CLERK'S OFFICE

Agenda Document Control Sheet

AO 2008-17

COLL	REVERSE SIDE FOR FURTHER INFORMATION)				
1	SUBJECT OF AGENDA DOCUMENT AMEND AMC 28.20.015, TIME FOR PASSA	DATE PREPARED 1/24/08			
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3	Julia Tucker, Assembly Counsel		343-4419		
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	Municipal Clerk				
	Municipal Attorney				
	Employee Relations				
	Municipal Manager				
	Anchorage Parks & Recreation				
	Fire				
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