

CLERK'S OFFICE

APPROVED

Date: 2-12-08

Submitted by: ASSEMBLY MEMBER SULLIVAN

Prepared by: Municipal Clerk

Reviewed by: Assembly Counsel

For reading: January 29, 2008

ANCHORAGE, ALASKA

AO NO. 2008-17

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION
2 28.20.015, TIME FOR PASSAGE OF BALLOT PROPOSITIONS, TO REVISE THE
3 DEADLINE FOR FINAL ACTION ON ALL ORDINANCES AND RESOLUTIONS
4 CONTAINING BALLOT PROPOSITIONS PRIOR TO A REGULAR ELECTION.
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6

7 THE ANCHORAGE ASSEMBLY ORDAINS:
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9 **Section 1.** Anchorage Municipal Code section 28.20.015, Time for Passage of Ballot
10 Propositions, is hereby amended to read as follows:
11

12 **28.20.015 Time for passage of ballot propositions.**
13

14 The assembly shall take final action, including reconsideration, on all ordinances
15 and resolutions containing ballot propositions or other matters relating to or
16 affecting a regular election not later than 63 [49] days prior to such election.
17

18 (AO No. 94-240, § 1, 1-10-95)
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20 **Section 2.** This ordinance shall become effective May 1, 2008, and shall apply to the
21 subsequent election calendar for the regular election of April 7, 2009. The election code
22 change at AMC 28.20.015 shall also be subject to the United States Department of
23 Justice non-objection within the prescribed DOJ objection period.
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25 PASSED AND APPROVED by the Anchorage Assembly this 12th day of
26 February, 2008.
27

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29 Chair
30

31 ATTEST:
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34

Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 53-2008

Meeting Date: January 29, 2008

From: Assembly Member Sullivan, at the request of the Office of the Municipal Clerk
Subject: **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

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED		
	AMEND AMC 28.20.015, TIME FOR PASSAGE OF		1/24/08		
	BALLOT PROPOSITIONS, TO REVISE THE DEADLINE				
	FOR FINAL ACTION ON ALL ORDINANCES AND RESO-		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM		
	LUTIONS CONTAINING BALLOT PROPOSITIONS				
2	DEPARTMENT NAME		DIRECTOR'S NAME		
	Assembly		Dan Coffey, Assembly Chair		
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER		
	Julia Tucker, Assembly Counsel		343-4419		
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE		
	Mayor				
	Municipal Clerk				
	Municipal Attorney				
	Employee Relations				
	Municipal Manager				
	Anchorage Parks & Recreation				
	Fire				
	Health & Human Services				
	Merrill Field Airport				
	Municipal Light & Power				
	Office of Management and Budget				
	Police				
	Port of Anchorage				
	Office of Economic & Community Development				
	Solid Waste Services				
	Public Transportation				
	Anchorage Water & Wastewater Utility				
	Executive Manager				
	Planning Department				
	Chief Fiscal Officer				
	Heritage Land Bank				
	Information Technology Department				
	Project Management & Engineering				
	Purchasing				
	Other				
5	Special Instructions/Comments				
	Consent Agenda - Introduction				
6	ASSEMBLY HEARING DATE REQUESTED		7	PUBLIC HEARING DATE REQUESTED	
	1/29/08				

2008 JAN 26 AM 10:20
 N.O.A.
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