

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 10-34(AM)**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC CHAPTER 4.12, CANDIDATES, WMC 4.16.040, BALLOTS—FORM, AND WMC 2.12.020 FINANCIAL DISCLOSURE TO PROVIDE FOR CANDIDATES FOR ELECTIVE CITY OFFICE TO FILE A DECLARATION OF CANDIDACY INSTEAD OF A NOMINATING PETITION.**

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**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

**Section 2. Amendment of section.** WMC 4.12.010, Candidate qualifications, is amended to read as follows:

[ANY PERSON IS ELIGIBLE FOR CITY OFFICE IF THE PERSON IS A QUALIFIED VOTER OF THE CITY AND MEETS STATE AND CITY REQUIREMENTS FOR THE OFFICE.]

A. A c[C]andidate[S] for **an elected city office shall have the qualifications required in** [COUNCIL SEATS SHALL RESIDE IN THE CITY AND MEET THE REQUIREMENTS OF] Chapter 2.04 **as of the date of the election.**

B. A c[C]andidate[S] shall provide proof **of qualification for office as required by the clerk** [THAT THEY ARE ELIGIBLE, OR SHALL BE ELIGIBLE BY THE DATE OF THE ELECTION, TO BE RECOGNIZED AS A CANDIDATE FOR ANY ELECTION].

**Section 3. Amendment of section.** WMC 4.12.020, Nominations of candidates—Mayor and council, is amended to read as follows:

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

4.12.020 Declaration of candidacy—for elected office [NOMINATIONS OF CANDIDATES—Mayor and council] .

A. A candidate for an elected city office shall file a declaration of candidacy with the clerk on a form provided for by the clerk[ NOMINATIONS BY PETITION. NOMINATIONS FOR ELECTIVE OFFICE SHALL BE MADE BY PETITION OF TEN (10) REGISTERED VOTERS QUALIFIED TO VOTE IN CITY ELECTIONS. EACH SPONSOR SIGNING A PETITION SHALL STATE ON THE PETITION THE SPONSOR'S RESIDENCE ADDRESS].

[B. REQUIREMENTS FOR PETITION.] The declaration of candidacy [NOMINATING PETITION] shall be executed under oath before an officer authorized to take acknowledgments, and shall include:

1. The full name of the candidate;
2. The full residence and mailing address of the candidate;
3. The day and evening telephone numbers and other contact information of the candidate;
4. The office for which the candidate is declaring, including the specific seat in the case of a candidate for council [NOMINATED];
- [5. A STATEMENT THAT THE SPONSORS ARE QUALIFIED VOTERS OF THE CITY;
6. A STATEMENT THAT THE SPONSORS REQUEST THAT THE CANDIDATE'S NAME BE PLACED ON THE BALLOT;]
- 5[7.] The name of the candidate as the candidate wishes it to appear on the ballot;

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

~~6[8]. The date of the election at which the candidate seeks election;~~

~~7[9]. A certification by the candidate which shall include statements:~~

~~a. That the candidate is a qualified city voter,~~

~~b. That as of the date of the election the candidate will have resided in [IS A RESIDENT OF] the city or in territory annexed to the city for the period required to qualify for office,~~

~~c. That the candidate meets or shall meet, as required by law, the specific requirements of the office the candidate is seeking,~~

~~d. That the candidate [ACCEPTS THE NOMINATION AND A STATEMENT THAT THE CANDIDATE] shall serve if elected, and~~

~~[E. THAT IF THE CANDIDATE CHOOSES TO WITHDRAW, THE WITHDRAWAL WILL BE SUBMITTED TO THE CITY CLERK IN WRITING AND SIGNED BY THE CANDIDATE BY THE LAST DAY OF THE FILING PERIOD,]~~

~~e[F]. That the information on [IN] the declaration of candidacy [NOMINATING PETITION] is true and accurate, [, AND] . . . .~~

~~8[G]. The date and notarized signature of the candidate.~~

~~9. To remove the candidate's name from the ballot, a written withdrawal signed by the candidate shall be submitted to the city clerk no later than the time that the filing period closes.~~

**Section 4. Amendment of section. WMC 4.12.030, Nominations of candidates-Procedure, is amended to read as follows:**

**4.12.030 Declaration of candidacy[NOMINATIONS OF CANDIDATES]-Procedure**

**Bold and underline added. [CAPS AND BRACKETS, DELETED.]**

A. Packets containing declarations of candidacy [NOMINATING PETITIONS] shall be available from the clerk no later than [’S OFFICE BEGINNING ON] the day the filing period opens. The packets shall remain available throughout the filing period.

**B. Declarations of candidacy** [NOMINATING PETITIONS] shall be **submitted on a form provided by the clerk. The declaration of candidacy form must be submitted as an original and shall not be submitted by facsimile or electronically. A declaration of candidacy shall be** completed and filed with the clerk:

**1.** No earlier than eight a.m., seventy-eight (78) calendar days, before a regular election, and no later than five p.m., sixty-seven (67) calendar days, before a regular election; and

**2.** No earlier than eight a.m., sixty-four (64) calendar days, before a special election, and no later than five p.m., fifty-three (53) calendar days, before a special election. [NOMINATING PETITIONS SHALL BE SUBMITTED IN ORIGINAL FORM AND SHALL NOT BE SUBMITTED BY FACSIMILE. ALL NOMINATING PETITIONS IN PROPER FORM WHICH ARE NOT WITHDRAWN BY THE CANDIDATE SHALL BE PRESERVED BY THE CLERK AND EVENTUALLY DESTROYED AS PROVIDED BY THE RECORDS RETENTION POLICIES PROMULGATED BY THE CLERK.]

**C[B]. A person shall not be a candidate for more than one elected city office at a time.** [PERSONS SEEKING ELECTIVE OFFICE SHALL REQUEST A NOMINATING PETITION FROM THE CLERK FOR THE SPECIFIC SEAT WHICH THEY ARE SEEKING. IF THE PERSON CHOOSES TO RUN FOR A DIFFERENT

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

SEAT, A NOMINATING PETITION FOR THAT SEAT SHALL BE FILED WITH THE CLERK'S OFFICE. A NOMINATING PETITION FOR A PARTICULAR SEAT MAY NOT BE SUBSTITUTED FOR ANOTHER OFFICE OR SEAT.]

D[C]. Within four business days after a candidate files [FILING] a declaration of candidacy [NOMINATING PETITION] the clerk shall either notify the candidate [NAMED IN THE NOMINATING PETITION AS TO WHETHER] that it is in proper form, or. IF NOT, THE CLERK SHALL IMMEDIATELY] return it [THE NOMINATING PETITION] to the candidate with a statement certifying how it [THE NOMINATING PETITION] is deficient.

**Section 5. Amendment of subsection.** WMC 4.12.040.B, within Determination of eligibility of candidate, is amended to read as follows:

B. Any person, including the clerk, may question the eligibility of a candidate who has filed a declaration of candidacy [NOMINATING PETITION WITH THE CLERK] by filing a complaint with the clerk. [THE COMPLAINT MUST BE RECEIVED BY THE CLERK NO LATER THAN FIVE P.M. THREE CALENDAR DAYS AFTER THE FILING PERIOD CLOSES.]

**Section 6. Amendment of subsection.** WMC 4.12.040.F, within Determination of eligibility of candidate, is amended to read as follows:

F. The clerk shall review any evidence relevant to the candidate's qualifications, including, but not limited to, the candidate's residency, voter registration, declaration of candidacy [NOMINATING PETITION], and any other document of public record or as required by WMC 4.12.010[ON FILE WITH THE STATE]. Based on the review of the [PUBLIC] documents, the clerk will determine

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

whether a preponderance of evidence supports or does not support the eligibility of the candidate.

**Section 7. Amendment of subsection.** WMC 4.12.045(B), within Write-in candidates, is amended to read as follows:

B. A letter of intent under subsection A of this section must be filed with the clerk not earlier than the **first business** day [IMMEDIATELY] following the last day of the filing period for **declarations of candidacy** [NOMINATING PETITIONS] for the election under Section 4.12.030(A), and not later than **one** [FIVE] p.m. on the day before the election.

**Section 8. Amendment of section.** WMC 4.12.050, Nominations-Notice of vacancies in office, is amended to read as follows:

4.12.050 **Declarations of candidacy**[NOMINATIONS]-Notice of [VACANCIES IN] offices **to be filled.**

At least ten (10) calendar days before **the filing period for declarations of candidacy** [NOMINATIONS ARE] opens for each regular or special election, the clerk shall publish twice in one or more newspapers of general circulation in the city a notice of offices to be filled at the election and the manner of **declaring candidacy** [MAKING NOMINATIONS].

**Section 9. Amendment of section.** WMC 4.12.060, Nominations-Public officials financial disclosure statement, is amended to read as follows:

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

4.12.060 [NOMINATIONS-PUBLIC OFFICIALS] Financial disclosure statement **and campaign reporting.**

A. A person **seeking an elected city office** shall file **a financial disclosure statement in compliance with WMC 2.12.020 and comply with the** [AN] Alaska Public Offices Commission **campaign reporting requirements** [PUBLIC OFFICIALS FINANCIAL DISCLOSURE STATEMENT WITH THE CLERK] in accordance with AS **15.13**[39.50]:

[1. AT THE TIME THE PERSON FILES A NOMINATING PETITION AS A CANDIDATE FOR ELECTIVE CITY OFFICE UNDER SECTION 4.12.030.A.;

2. AT THE TIME THE PERSON FIRST STATES PUBLICLY THAT THE PERSON WILL SEEK ELECTIVE CITY OFFICE, IF THE PERSON'S NAME DOES NOT APPEAR ON THE BALLOT. A LETTER OF INTENT FILED UNDER SECTION 4.12.045 IS A PUBLIC STATEMENT THAT THE PERSON FILING THE LETTER OF INTENT WILL SEEK ELECTIVE CITY OFFICE.

B. THE CLERK WILL NOT ACCEPT A NOMINATING PETITION UNDER SECTION 4.12.030 OR A LETTER OF INTENT UNDER SECTION 4.12.045 UNLESS THE PERSON FILING THE NOMINATING PETITION OR LETTER OF INTENT, HAS COMPLIED WITH THE APPLICABLE REQUIREMENT IN SUBSECTION A OF THIS SECTION.]

**Section 10. Amendment of section.** WMC 4.12.070, Corrections, amendments, and withdrawal of declarations of candidacy, is amended to read as follows:

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

4.12.070. Corrections, amendments, and withdrawal of declarations of candidacy

A. Except as provided in subsection B of this section, a[A] candidate may correct, amend or withdraw a declaration of candidacy [FROM NOMINATION] at any time during the period for [OF] filing declarations of candidacy, [A NOMINATING PETITION] by written notice, signed by the candidate, to the clerk. After the filing period has closed, no declaration of candidacy [NOMINATING PETITION] may be corrected, amended, or withdrawn.

B. ~~A person who has filed a declaration of candidacy may declare candidacy for a different elected city office, including a different council seat,~~ [IF A CANDIDATE DESIRES TO RUN FOR A DIFFERENT OFFICE OR SEAT, THE CANDIDATE SHALL REQUEST] only by submitting a new declaration of candidacy [NOMINATING PETITION] form to [FROM] the clerk [AND MEET THE REQUIREMENTS OF] under section 4.12.030, only after filing with the clerk a written withdrawal of a former declaration of candidacy.

Section 11. Amendment of subsection. WMC 4.16.040.C, Ballots--Form, is amended to read as follows:

C. The name[S] of each [THE] candidate[S] shall be printed as it [THEY] appears upon the declaration of candidacy [NOMINATING PETITION] filed with the clerk, except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of the proper name of the candidate. The names of candidates shall be arranged alphabetically by last name on the ballot.

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]



**Section 12. Effective date.** This ordinance shall take effect upon the earlier to occur of the following: (i) the date on which the United States Department of Justice issues its non-objection under the Voting Rights Act of 1965 to the changes effected by this ordinance; and (ii) the date immediately following the last date on which the United States Department of Justice could object to the changes effected by this ordinance under the Voting Rights Act of 1965, provided that no objection to any such change has been issued before that date. The clerk is authorized to determine the effective date of this ordinance, which shall be set forth in the permanent records of City ordinances and in the Wasilla Municipal Code.

ADOPTED by the Wasilla City Council on October 11, 2010.

  
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VERNE E. RUPRIGHT, Mayor

ATTEST:

  
\_\_\_\_\_  
KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

VOTE: Harris, Holler, Katkus, Larson, Luburger, and Woodruff in favor.

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]



**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

**ORDINANCE SERIAL NO. 10-34: AMENDING WMC CHAPTER 4.12, CANDIDATES, WMC 4.16.040, BALLOTS—FORM, AND WMC 2.12.020 FINANCIAL DISCLOSURE TO PROVIDE FOR CANDIDATES FOR ELECTIVE CITY OFFICE TO FILE A DECLARATION OF CANDIDACY INSTEAD OF A NOMINATING PETITION.**

**Agenda of:** September 27, 2010

**Date:** September 13, 2010

**Originator:** Kristie Smithers, City Clerk for Council Members Larson and Katkus

TTC KCS

Route to:	Department	Signature/Date
X	City Attorney	RKP
X	Finance Director	William [unclear] 9/14-10
X	Interim Deputy Administrator	[unclear]
X	City Clerk	Kristie Smithers

**REVIEWED BY MAYOR VERNE E. RUPRIGHT:**

[Signature]

**FISCAL IMPACT:**  yes \$ Nominal amount of revenue or  no  
Funds Available  yes  no

**Account name/number:**

**Attachments:** Proposed Ordinance Serial No. 10-34

**SUMMARY STATEMENT:**

Ordinance Serial No. 10-34 is presented for consideration. This ordinance requires those seeking elected office to complete a *declaration of candidacy* and discontinues the current practice of filing for office via a *nominating petition*. In addition, it addresses other election related items as outlined below.

**Nominating Petitions versus Declaration of Candidacy.** Currently when a person files for office in the City of Wasilla, they are required to submit a *nominating petition* as defined in WMC 4.12.020. Nominations by petition for elective office require the signature of ten registered voters of the city (*sponsors*) before a candidate is declared eligible to run for office.

The elimination of nominating petitions upholds the constitutional rights of individuals to run for elected office without having to be *sponsored* by ten qualified City voters.

The City of Houston, Matanuska-Susitna Borough and the State of Alaska do not require nominating petitions; the Cities of Palmer and Wasilla do.

## **Sectional analysis of ordinance.**

**Section 2.** Amends and outlines the qualifications of Mayor and Council candidates and allow the candidate to provide proof of qualification to the clerk.

**Section 3.** Repeals the process of using nomination petitions and allows candidates to use a declaration of candidacy to file for elected office.

### **Section 4.**

- Amends the current code to allow for candidacy filing to close at 3 p.m. rather than 5 p.m. Many municipalities find by closing the filing period earlier than 5 p.m. it allows for more time to review the application. This practice will also allow the list of candidates to be submitted prior to the close of business thereby providing the public and media more time to contact the Clerk's Office for questions or concerns after the filing period closes (which is before a weekend).
- Adds that a declaration of candidacy may not be submitted electronically. This amendment is proposed to clarify that a declaration of candidacy shall only be submitted in its original form.
- Provides that a candidate may only seek one city elective office at a time. For example, a person may not run for a seat on the Council and run for Mayor concurrently.
- Adds a \$25 non-refundable cash filing fee to accompany each declaration of candidacy. Most municipalities have found that filing fees help to ensure that those filing for office are committed to following through with the process and serving. The cash filing fee is needed because checks may not clear until after the filing period closed. If a check is found to have non-sufficient funds it may cause difficulties; i.e., removing the candidate's name from an already printed ballot.

**Section 5.** Repeals the sentence pertaining to complaints being received by the clerk within three calendar days.

**Section 6.** Grammatically amends the section of the code regarding the eligibility of a candidate.

**Section 7.** Provides that write-in candidates file a letter of intent with the Clerk's office by 1 p.m. on the day before the election. This will allow staff more time to contact election officials on the day prior to the election to notify them about valid write-in candidates.

**Section 8.** Grammatically amends the section of the code regarding the notice of offices to be filled.

**Section 9.** Amends the section relating to financial disclosure filings by directing persons seeking elected office to WMC 2.12.020. WMC 2.12.020 relates to the required financial disclosures. This will allow one location that relates to financial disclosure whichever process is used (the City reporting requirements or the state APOC requirements).

This section also adopts campaign reporting requirements, found in Alaska Statute (A.S.) 15.13. The City may not opt out of the campaign disclosure requirements of A.S. 15.13. All municipalities must follow the rules contained in A.S. 15.13. However, the City may opt out of the APOC financial disclosure requirements. The voters will decide whether they wish to opt out of the APOC financial disclosure requirements on October 5, 2010.

**Section 10.** Grammatically amends the section of the code regarding corrections, amendments and withdrawal of declarations of candidacy.

**Section 11.** Grammatically amends the section of the code regarding ballot form.

**Section 12.** Since this is a change effecting voting, it must be precleared by the United States Department of Justice which may take up to 70 days from adoption of the ordinance to become effective.

**STAFF RECOMMENDATION:** Respectfully request adoption of Ordinance Serial No. 10-35.