Date: March 8, 2010 – updates made 6/2/10 in red.
To: Mayor & Assembly
From: Laurie J. Sica, Municipal Clerk/Election Official
Subject: Deadlines for the October 5, 2010 Municipal Election

The next Regular Municipal Election is Tuesday, October 5, 2010. The deadlines for this election are set forth below. All dates referenced are 2010.

**CHARTER COMMISSION**

The CBJ Charter requires that the voters be asked the following question every ten years:

"Shall there be a Charter Commission to review or amend the Charter?"

This question will appear on the October 5 ballot. If a majority of the qualified voters voting on the question vote "no," the question shall not be placed on the ballot until the end of the next ten year period. If a majority of the qualified voters voting on the question vote "yes," nine qualified voters to serve as the Charter Commission shall be chosen at the next regular election or at a special election.

**CHARTER AMENDMENTS**

The Assembly may propose a Charter amendment by ordinance. In order for a proposed amendment to be submitted to the voters at the regular election, an ordinance to amend the charter would need to be adopted no earlier than Monday, June 7, and no later than Friday, August 6. These deadlines are set to avoid the need to hold a special election. The last regular meeting for the Assembly to introduce a charter amendment is June 28, the last regular scheduled meeting for the Assembly to adopt a charter amendment is July 12, unless special meetings are scheduled for such purposes.

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1 CBJ Charter Section 6.1 Regular Elections “A regular election shall be held annually on the first Tuesday in October, or such other date as the assembly may provide by ordinance.”
2 CBJ Charter Section 14.4. Proposal by Charter commission.(a) Every ten years subsequent to 1970 the clerk shall place on the ballot for the next regular election the question: "Shall there be a Charter Commission to review or amend the Charter?"
3 CBJ Charter Section 14.2 Proposal by the Assembly “The assembly may propose Charter amendments by ordinance containing the full text of the proposed amendment and adopted by at least six votes of the assembly.”
4 CBJ Charter Section 14.5 Election “The election shall be held not less than sixty days and not more than one hundred and twenty days after the amendment has been proposed. If no regular election is to be held within that period, the assembly shall provide for a special election on the proposed amendment.”
GENERAL BALLOT PROPOSITIONS

Notice of the regular election must be published no later than Sunday, September 5. The notice must state the purposes of the election. All ballot propositions must be finalized prior to the date the notice of election is published.

Ordinances or resolutions proposing a ballot proposition, other than a Charter amendment, must be adopted by Monday, August 23, in order to allow time for publishing the notice of election and for ballot preparation, printing and delivery to Juneau. The latest date on which an ordinance proposing a ballot proposition could be introduced at a regular meeting is August 9. The latest date on which it could be heard at a regular meeting is August 23. If necessary, the Assembly can hold a special meeting to introduce or adopt an ordinance, as long as a public hearing on the ordinance is held. An ordinance hearing must be noticed in a newspaper of general circulation seven days prior to the public hearing.

PETITIONS

A petition may propose a charter amendment, or an initiative or referendum amending the CBJ Municipal Code. To start a petition, petitioners form a committee of five qualified municipal voters and submit an affidavit stating the purposes of the petition to the clerk’s office. A petitioner’s committee is encouraged to submit a copy of the affidavit and the proposed ordinance, resolution or other measure to be initiated to the City and Borough attorney with a request that it be reviewed by the attorney.

A petition must have signatures of qualified voters equal to 25% of the votes cast in the preceding municipal election. Based on the 2009 regular election turnout of 7,101 voters, 1,775 signatures of qualified voters are required to certify a petition. Promptly after the filing of a proper affidavit, the clerk shall issue the appropriate petition pages to the petitioners committee.

The CBJ Charter and Code anticipate a timeframe, which can extend up to 55 - 75 days from the time the affidavit is submitted in the clerk’s office to the time it is certified by the clerk. This includes 15 days for the clerk to review and issue signature booklets to a petitioner’s committee, 30 days for the collection of signatures, 10 days for the clerk to certify signatures, and a potential additional 20 days for petitioners to gather, and the clerk to review, additional signatures if a timely submitted petition is found deficient.

5 CBJ Charter Section 6.1 Regular Elections “At least thirty days published notice shall be given of a regular election.”
6 CBJ Charter Section 5.3 Ordinance Procedure (a) "…The public hearing on an ordinance shall follow publication by at least seven days…"
7 CBJ Charter Section 7.2 Commencement of Proceedings. (a) "Any five qualified municipal voters may commence initiative or referendum…"
8 CBJ Code Section 29.10.020 Attorney assistance on initiative petitions.
9 CBJ Charter Section 7.3
10 CBJ Code Section 29.10.025 Certification of Petitioners’ Committee Affidavit
11 CBJ Charter Section 7.3 Petition "A petition…shall be filed in proper form with the clerk within thirty days after the date of issuance of petition pages" and 7.6 Examination for Sufficiency "Within ten days following the date on which the petition is filed in proper form, the clerk shall certify if it bears the required number of signatures"
The time frames for a certified petition proposition to be placed on the ballot vary depending on the type of petition proposed.\textsuperscript{12}

\textit{Charter Amendments}

If the petition proposes a Charter amendment, the Assembly \textit{does not} participate in the process. Once certified, its proposition is placed on the ballot. \textsuperscript{13} In order to meet publication deadlines for the Notice of Election and to avoid a special election the following dates are set for 2010.\textsuperscript{14}

\begin{itemize}
  \item \textit{Charter Amendments:}
  \begin{itemize}
    \item June 8 - Earliest day clerk can certify a voter initiated charter amendment petition
    \item August 6 - Last day clerk can certify a voter initiated charter amendment petition
  \end{itemize}
\end{itemize}

If a charter amendment petition is submitted outside of the timeframe to fall on a regularly scheduled election, a special election is required to be held to determine the outcome.

\textit{Code Ordinances}

If the petition proposes adoption by initiative or repeal by referendum of an ordinance, the Assembly \textit{does} participate in the process. Upon certification of an initiative or referendum petition, the clerk submits it to the assembly for review and possible action.

If the assembly fails to adopt a proposed initiative measure without any change in substance within forty-five days or fails to repeal the referred measure within thirty days after the date the petition was determined sufficient, the proposed initiative or referred measure is submitted to the voters on the ballot.

Since the last date for the Assembly to act on an ordinance to be placed on the October 5 ballot is August 23, any initiative or referendum should be certified by the clerk by July 19 to allow time for drafting and public notice of a proposed ordinance.

If a petition is submitted to the Assembly outside of the timeframe which would allow the measure to be placed on the regularly scheduled election, the Assembly determines whether it is in the best interest of the municipality to conduct a special election on the matter before the next scheduled election.\textsuperscript{15}

\begin{itemize}
  \item \textsuperscript{12} CBJ Charter Section 14.5 Election (a) "Proposed (charter) amendments shall be submitted to the qualified voters of the municipality" and CBJ Charter Section 7.10 Action on Petitions (a) "When an initiative or referendum petition has been determined sufficient, the clerk immediately shall submit it to the assembly".
  \item \textsuperscript{13} CBJ Charter 14.5 (a) Election.
  \item \textsuperscript{14} CBJ Charter Section 14.5 (b) Election (b) "The election shall be held not less than sixty days and not more than one hundred and twenty days after the amendment has been proposed."
  \item \textsuperscript{15} CBJ Charter 7.10 Action on Petitions (b) The election on a proposed initiative or referred measure shall be held at the next regular election, or, if already scheduled, a special election occurring not sooner than 90 days from the last day on which the assembly action may be completed on the proposed initiative or referred measure. If no regular election is scheduled to occur within 75 days after the certification of a petition and the Assembly determines it is in the best interest of the municipality, the Assembly may, by ordinance, order a special election to be held on the matter before the next scheduled election. The notice of election shall contain at least a summary of the proposed initiative or referred measure.
\end{itemize}
A petitioners’ committee for either a Code or Charter amendment is encouraged to discuss the matter with the municipal clerk and attorney prior to action and is encouraged to start early activities at the earliest date possible.

**CANDIDATE FILING PERIOD**

Nominating petitions for the municipal election must be submitted no earlier than 8:00 a.m., Friday, August 6, and no later than 4:30 p.m., Monday, August 16.\(^{16}\)

A candidate may withdraw his or her name from the printed ballot no later than 4:30 p.m. on Thursday, August 26.