

Requested by: Council Member Koskela  
Prepared by: Clerk and Attorney  
Introduced: February 12, 2007  
Public Hearing: February 26, 2007  
Failed: February 26, 2007  
Vote: Holler, Koskela, Metiva in favor; Ewing and Menard opposed; Cox absent  
Four affirmative votes needed for passage

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 07-09**

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

---

\* **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 4.12.020, Nominations of candidates—Mayor and council, is amended to read as follows:

4.12.020 **Declaration of candidacy**[NOMINATIONS OF CANDIDATES]—Mayor and council.

A. **A person who seeks to become a candidate for mayor or council shall execute and file with the clerk a declaration of candidacy.** [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 of the candidate;
4. The office for which the candidate is **declaring** [NOMINATED];
- [5. A STATEMENT THAT THE SPONSORS ARE QUALIFIED VOTERS OF

THE CITY;

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

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;

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 voter,  
b. That the candidate is a resident of the city,  
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,

e. That if the candidate chooses to withdraw, the withdrawal **shall** [WILL] be submitted to the city clerk in writing and signed by the candidate by the last day of the filing period,

f. That the information in the **declaration of candidacy** [NOMINATING PETITION] is true and accurate, and

g. The date and notarized signature of the candidate.

\* **Section 3. 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

A. Packets containing **declarations of candidacy** [NOMINATING PETITIONS] shall be available from the clerk[’S OFFICE] beginning on the day the filing period opens. The packets shall remain available throughout the filing period.

**Declarations of candidacy** [NOMINATING PETITIONS] shall be completed and filed with the clerk no earlier than eight a.m., seventy-eight (78) calendar days<sub>1</sub> [BEFORE A REGULAR ELECTION] and no later than **four-thirty** [FIVE] p.m., sixty-seven (67) calendar days<sub>2</sub> before a regular election; and no earlier than eight a.m., sixty-four (64) calendar days<sub>1</sub> [BEFORE A SPECIAL ELECTION] and no later than **four-thirty** [FIVE] p.m., fifty-three (53) calendar days<sub>2</sub> before a special election. **Declarations of candidacy** [NOMINATING PETITIONS] shall be submitted in original form and shall not

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

be submitted by facsimile or electronically. [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.]

B. A person may not be a candidate for more than one city elective office at any time. The declaration of candidacy of a p[P]erson[S] seeking to become a candidate for council [ELECTIVE OFFICE] shall specify the council seat for which the person seeks to be a candidate [REQUEST A NOMINATING PETITION FROM THE CLERK FOR THE SPECIFIC SEAT WHICH THEY ARE SEEKING]. If a person who has filed a declaration of candidacy wishes to become a candidate for a different elective city office, including a different council seat, the person first must withdraw the former declaration of candidacy. [IF THE PERSON CHOOSES TO RUN FOR A DIFFERENT 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.]

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.

D. A non-refundable \$100 filing fee shall accompany each declaration of candidacy, including a declaration of candidacy filed to replace a withdrawn declaration of candidacy, to help defray administrative costs of holding the election. A candidate may request that the city waive payment of part or all of the filing fee because of the candidate's indigence. The request shall include a sworn financial statement in a form approved by the clerk. The clerk will grant or deny the request based on a determination whether the candidate is indigent.

\* Section 4. Amendment of section. WMC 4.12.040.B, Determination of eligibility of candidate, is amended to read as follows:

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

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 5. Amendment of section.** WMC 4.12.040.F, Determination of eligibility of candidate, is amended to read as follows:

F. The clerk will review any evidence relevant to the candidate's qualifications, including the candidate's **voter** registration, **declaration of candidacy** [NOMINATING PETITION], and any other document of public record on file with the state. Based on the review of the public documents, the clerk will determine whether a preponderance of evidence supports or does not support the eligibility of the candidate.

\* **Section 6. Amendment of section.** WMC 4.12.045.B, 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 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 **four-thirty** [FIVE] p.m. on the day before the election.

\* **Section 7. 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 8. 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 **Declaration of candidacy**[NOMINATIONS]-Public officials financial disclosure statement

A. A person shall file an Alaska Public Offices Commission Public Officials Financial Disclosure Statement with the clerk in accordance with AS 39.50:

1. At the time the person files a **declaration of candidacy** [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 **declaration of candidacy** [NOMINATING PETITION] under Section 4.12.030 or a letter of intent under Section 4.12.045 unless the person filing the **declaration of candidacy** [NOMINATING PETITION] or letter of intent has complied with the applicable requirement in subsection A of this section.

\* **Section 9. Amendment of section.** WMC 4.12.070, Corrections, amendments, and withdrawal of declarations of candidacy, is amended to read as follows:

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

[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. IF A CANDIDATE DESIRES TO RUN FOR A DIFFERENT OFFICE OR SEAT, THE CANDIDATE SHALL REQUEST A NEW NOMINATING PETITION FORM FROM THE CLERK AND MEET THE REQUIREMENTS OF SECTION 4.12.030.]

\* **Section 10. Amendment of section.** WMC 4.16.040, 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

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

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 **on the ballot**.

\* **Section 11. 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.

DEFEATED by the Wasilla City Council on February 26, 2007.



**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

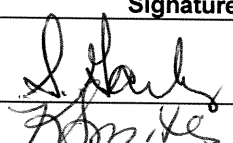
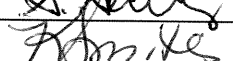
**RE: ORDINANCE SERIAL NO. 07-09 DECLARATION OF CANDIDACY FOR ELECTED OFFICIALS.**

Agenda of: February 12, 2007

Date: January 31, 2007

Originator: Kristie Smithers, City Clerk

Ordinance Sponsor: Council Member Koskela 

Route to:	Department	Signature/Date
X	Deputy Administrator Planning, Economic Development, Human Resources	 01-31-07
X	City Clerk	

**REVIEWED BY MAYOR DIANNE M. KELLER:** 

**FISCAL IMPACT:**  yes\$ or  no

Funds Available  yes  no

Account name/number:

Attachments: Proposed Ordinance; WMC 4.12.020

**SUMMARY STATEMENT:**

Ordinance Serial No. 07-09 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 (attached). 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 uphold the constitutional rights of individuals to run for elected office without having to be *sponsored* by ten qualified city voters.

The Matanuska-Susitna Borough and the State of Alaska do not require nominating petitions, however, like Wasilla, the cities of Houston and Palmer do. It is my understanding that eliminating the use of nominating petitions will be considered by both Houston and Palmer in the near future.

**Other code clean-up.** Section 3, paragraph A, amends the current code to allow for candidacy filing to close at 4:30 p.m. rather than 5 p.m. Many municipalities close the filing period prior to the close of business to give them time to review the application, etc. and this practice will work well for my office. Many times it is almost 6 p.m. before we are able to provide a certified list of candidates to the public and media.

Section 3, paragraph A, 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. We believe putting this language in the code is beneficial as we are living in the electronic age.

Section 3, paragraph 3, provides that a candidate may only seek one city elective office at a time. In other words, a person may not run for a seat on the council and run for mayor concurrently.

Section 3, paragraph 4, this amendment institutes a \$100 non-refundable filing fee to accompany each declaration of candidacy. This will help to defray some of the administrative costs associated with certifying candidates for office. Most municipalities have found that filing fees help to ensure that those filing for office are serious about serving.

Section 6, provides that write-in candidates file a letter of intent with the clerk's office by 4:30 p.m. on the day before the election. This will allow staff more time to contact election officials about valid write-in candidates.