

SB

126

1 IN THE SENATE

2 SENATE BILL NO. *SB 126*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the requirements for runoff  
7 elections in municipal elections."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 29.28.040 is amended to read:

10 Sec. 29.28.040. REQUIREMENTS FOR [MAJORITY] ELECTIONS. (a) If in  
11 a municipal election no candidate received in excess of 40 per cent of  
12 the votes cast for his respective office, the assembly or council shall  
13 hold a runoff election within two weeks from the date of certification  
14 of the election between the two candidates receiving the greatest number  
15 of votes for the office. Notice of a runoff election shall be published  
16 at least five days before the election.

17 (b) The assembly or council may by ordinance require a majority  
18 vote for election of officials. A runoff election or other means of  
19 obtaining a majority may be used.

20 (c) The assembly or council may, by ordinance, exempt the municipi-  
21 pality from the requirements of (a) of this section and provide for  
22 plurality vote for election of officials.

Introd 2/9/79

By S-C/RA

BY ~~STURCHULENSKI~~

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WORK ORDER REQUEST FORM

179 6220  
SL 126

KEYWORDS: Elections, municipal

ASSIGNED TO Clenoweth

REQUEST FOR: BILL  RESOLUTION  RESEARCH  OTHER

SUBJECT Municipal Elections

REQUESTED FOR Senator Sturgulewski - BY Gene Walsh EXT. 3712

\* DELIVER TO Senator Sturgulewski - Assembly 100 TAKEN BY Barrier

INSTRUCTIONS, EXPLANATIONS \_\_\_\_\_

Prepare for introduction HB 125 (1977) relating to requirements for runoff  
elections in municipal elections. See attached.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH \_\_\_\_\_

RETURN \_\_\_\_\_

TO REQUESTER

APPROVED: BGB Director, Legal Services

\_\_\_\_\_  
Director, Research

REVIEWED \_\_\_\_\_

IN BY 1/31 DUE \_\_\_\_\_

TYPED - Draft \_\_\_\_\_ DATE \_\_\_\_\_

Final \_\_\_\_\_ DATE \_\_\_\_\_

PROOFED \_\_\_\_\_ DELIVERED \_\_\_\_\_

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

DRAFT

FINAL

1 IN THE SENATE

~~BY STURGEON~~

By Sen. C/RA

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

2/8/79 TO

4 ELEVENTH LEGISLATURE - FIRST SESSION

Sen. Sec'y

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21 pality from the requirements of (a) of this section and provide for  
22 plurality vote for election of officials.

### Acquisition

A. One of the alleged benefits to accrue from the enactment of the Alaska Public Utility Commission Act was an amicable solution to the service area conflicts between competing utilities. To further this commendable objective, the League, therefore, supports legislation which would allow municipalities operating utilities to acquire the facilities of a competing utility under specific terms which would fairly compensate the competing utility.

### Sewage Disposal

A. The League opposes regulations which would limit the Clean Water Act of 1977 from excluding municipalities adjacent to tidal fluctuations from the requirements of secondary treatment where the receiving waters do not merit secondary treatment for sewage effluent disposal into ocean waters.

B. The League also endorses the concept of the State of Alaska's paying up to 75% for sewage and water systems constructed by municipalities under the State of Alaska Construction Grant Program.

C. The League endorses an amendment to Federal Law which would allow the operational cost of sewage treatment facilities to receive general fund support from the State of Alaska and its municipalities.

### Solid Waste

A. The League supports legislation which would authorize up to 75% of the costs of capital improvements for construction of solid waste disposal facilities by municipalities under the State of Alaska Construction Grant Program. This program shall be applicable to those facilities currently under construction at the time the Act passes.

### Fresh Water

A. The League endorses amendments to federal and state regulations to permit waivers of the Fresh Water Drinking Standards.

## PART VII MUNICIPAL ELECTIONS

### Majority Elections

A. The League supports legislation which would amend 29.23.040 to allow municipalities to determine, by local option, what percentage of votes cast is necessary for election to municipal office.

Gene...no offense but something more important has come up and I can't meet with you this morning.

Here are a couple of comments that may help you in deciphering the League's intent on the 40% bill.

1  
First of all, the printed language (old SB 125) is what we would like to have introduced and passed. "A municipality may be ordinance exempt itself from the requirements of this section and provide for plurality vote for election of officials". *intro*

This would give the municipalities the right to decide for themselves if they want the 40% runoff provision that is now in state law.

2  
it is also necessary to clarify what the 40% refers to - 40% of the votes cast or 40% of the voters voting.

*2/10/79  
municipal  
do make work*  
For instance: In an election where candidates run at large there may be 6 people running for 3 seats, the top 3 would be elected. Let's say that 100 people voted. The 100 voters would cast 300 votes (one for each seat open). Now, does the 40% refer to the 300 votes cast or the 100 voters who cast them? It would be much more difficult to get 40% of the 300 votes cast than 40% of the 100 voters which would mean more runoffs, hence costly to the municipality.

1/31/79 to Legal Services Majority Elections .A.

Introduced: 2/4/77  
Referred: Community & Regional Affairs

BY THE RULES COMMITTEE  
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 125

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the requirements for runoff elec-  
7 tions in municipal elections."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 29.28.040 is amended by adding a new subsection to read:

10 (b) A municipality may by ordinance exempt itself from the require-  
11 ments of this section and provide for plurality vote for election of  
12 officials.

13  
14 → Need to Clarify 40% of votes (Legal opinion) or  
15 40% of voters

16  
17 → This is Question on Present Law.

18  
19 Rec. to do this or change Present Law to provide  
20 the Above

21  
22  
23  
24 check w/ d.m.l. atty to see who had problem.

25  
26 with leg com in town 3/1 - 3/2

27  
28  
29