

## Municipality of Anchorage Code

### 2.70.020 - Timeline for filling vacancies; procedure for filling vacancies; declining to fill the vacancy

A. Whenever a vacancy on the assembly occurs, the assembly shall meet on or before the next regular meeting and decide whether to fill the vacancy by special election or appointment, or both, in accordance with Charter section 7.02. If the assembly calls for a special election, the special election day shall be held in accordance with Title 28 and not more than 60 days after the occurrence of the vacancy. Filling a vacancy by appointment shall be conducted in accordance with subsection

B. The assembly's action to fill a vacancy is in relation to the date of the next regular election or special election at which time the vacant seat is on the ballot as follows:

1. *Fewer than 30 days remain in the term.* If the vacancy occurs when fewer than 30 days remain in the term of the vacated seat, the vacancy shall not be filled, except under circumstances in subsection 4.

2. *Between 30 days and six months before the next regular election.* The assembly may, but is not required to, appoint a qualified person to fill the vacancy within 30 days. The person appointed shall serve until the next regular or special election, at which time the vacant seat will be on the ballot and a successor shall be elected to serve the balance of the term, if any, or to a new term. Additionally, the assembly may, but is not required to, call for a special election.

3. *More than six months before the next regular election.* If the vacancy occurs more than six months before the next regular election, the assembly shall call for a special election to fill the vacancy. Additionally, the assembly may, but is not required to, appoint a qualified person to fill the vacancy within 30 days.

4. *Fewer members than quorum.* Any time the membership is reduced to fewer than a quorum, within seven days the remaining members shall appoint a number of qualified persons sufficient to constitute a quorum. The remaining members shall determine the process for this appointment.

B. When the assembly fills a vacancy by appointment, it shall set a deadline for submission of applications and designate the assembly meeting at which voting on the appointment will occur. This meeting must take place within 30 days of the vacancy.

1. *Announcement and invitation to apply.* After the assembly decides to appoint, the municipal clerk shall publish notice of the vacancy as soon as practicable and invite any qualified person to submit an application for appointment prior to the stated deadline. The notice of vacancy, invitation to apply for appointment, and the deadline for submission of applications shall be published in accordance with the definition of "publish" in section 1.05.020, for five days.

2. *Applications.* Applications for appointment shall be in a form determined by the municipal clerk and contain sufficient information to determine if the applicant is qualified. The clerk may request additional information from an applicant to assist in this determination. An applicant shall be notified in writing if the application is deficient, similar to the provisions of section 28.30.030, and given notice of the applicant's right to appeal the municipal clerk's decision to superior court. All applicants meeting the qualifications of the vacant office prescribed by law shall be considered nominees for appointment to the office.

3. *Interviewing applicants.* The assembly may interview applicants at a work session, committee meeting, or at any regular or special meeting. The assembly is not required to interview all applicants, or to ask applicants the same questions. The assembly is not required to take public testimony at any interview. An applicant may withdraw his or her application at any time prior to appointment.

4. *Procedural rules.* At the assembly meeting set for voting on the appointment, the action to fill the vacancy shall be in the special orders section of the agenda, and subject to motions to change the order of the day. The assembly shall commence voting on the appointment immediately after a motion and second to fill the vacancy. After the motion and second, only privileged and incidental motions, motions to call the previous question, and motions to reject all applications shall be in order. Any other motions are out of order. The assembly shall conduct no other business at any meeting until an applicant is appointed or after passage of a motion to reject all applicants, in which case the vacancy shall not be filled.

5. *Voting.* Voting for appointment shall be in the following manner:

a. The municipal clerk shall prepare and distribute a paper ballot to each assembly member with the names of the qualified applicants for the vacant seat.

b. Upon a motion and second to fill the vacancy or to call the previous question, each assembly member shall vote for one applicant on the paper ballot. If an assembly member is participating telephonically the member shall not cast a voice vote per subsection 2.30.075B.4. Instead, the member shall communicate their vote to the municipal clerk, who shall mark a ballot on behalf of that member.

c. After each assembly member has voted, the municipal clerk shall gather the ballots, tally the votes, and announce the total votes for each applicant.

d. A majority vote of all assembly members is required to appoint in voting under subsections b. through d. If no majority is cast for any applicant, the applicant or applicant(s) receiving the lowest number of votes shall be eliminated. The assembly may resume debate or discussion and may interview applicants further. Then another round of voting shall be conducted with the names of the remaining applicants on new ballots. Each assembly member shall vote for one applicant. Subsections c. and d. shall be repeated until there are only three applicants remaining, or until three rounds of voting are completed.

e. The assembly may resume debate or discussion and may interview applicants further. Then, the municipal clerk shall distribute a ballot to be used for ranked choice voting with only the remaining applicants' names.

f. Each assembly member should then rank each applicant on the ranked choice ballot by writing "1" next to their first choice, "2" next to their second choice, and so forth until all applicants on the ballot have been ranked. After each member has ranked the applicants, the municipal clerk shall gather all ballots.

g. The municipal clerk shall tally the results with each ballot representing one vote for the highest-ranked applicant on that ballot. Inactive ballots as described in subsection h. are not counted. If an applicant has a majority, that applicant is appointed. If no applicant has a majority, applicants shall be eliminated as follows:

i. The municipal clerk shall eliminate the applicant(s) with zero first-ranked choices, when applicable, and the applicant with the least amount of votes. If two or more applicants are tied, the clerk shall determine which one is eliminated as described in subsection (A).

(A) In the event of a tie between applicants, the one with the least original second-ranked choices is eliminated. If the second-ranked choices are also tied, this process shall repeat with lower original rankings until the tie is broken. If there is still a tie after all ranks have been exhausted, the applicant to be eliminated shall be determined by coin flip.

ii. The eliminated applicant(s) will be stricken from the ballots. subsection g. shall then be repeated.

h. An inactive ballot is one that does not rank any remaining applicant, contains an overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking. An overvoted ballot is one with two or more applicants assigned the same rank, and that rank is the highest on that ballot for a remaining applicant.

i. The municipal clerk shall retain all ballots cast as public records to be available only after concluding the appointment process.