

1 **Proposed Substitute**
2 **Bryce J. Ward, Mayor**

By: Leah Berman Williams
Matt Cooper
Introduced: 04/08/2021

3
4
5 FAIRBANKS NORTH STAR BOROUGH

6
7 ORDINANCE NO. 2021 – 17

8
9 AN ORDINANCE **PLACING ON THE BALLOT AT THE NEXT REGULAR ELECTION**
10 **THE ADVISORY QUESTION OF WHETHER THE FAIRBANKS NORTH STAR**
11 **BOROUGH SHOULD PROVIDE FOR RANKED CHOICE VOTING IN MUNICIPAL**
12 **ELECTIONS AND** AMENDING FNSBC TITLE 5 TO PROVIDE FOR RANKED CHOICE
13 VOTING IN MUNICIPAL ELECTIONS[; **AND AMENDING THE FY 2020-21 BUDGET**
14 **BY APPROPRIATING \$75,000 FROM THE GENERAL FUND FUND BALANCE TO**
15 **THE MULTI-YEAR GENERAL SUBFUND FOR THE IMPLEMENTATION OF AND**
16 **VOTER EDUCATION ABOUT RANKED CHOICE VOTING IN MUNICIPAL**
17 **ELECTIONS]**
18

19 WHEREAS, The current process for determining the winner of a municipal
20 election in the Fairbanks North Star Borough (Borough), called “first past the post voting”
21 allows for the winning candidate for Assembly, School Board, and Interior Gas Utility
22 Board (IGU) seats to be elected if they receive the greatest number of votes but less than
23 a majority of the votes cast and requires expensive runoff elections for the Mayoral races
24 if a mayoral candidate does not receive over 40 percent of the votes cast for that seat;
25 and
26

27 **[WHEREAS, THE WINNER OF AN ELECTION SHOULD BE**
28 **PREFERRED BY A MAJORITY OF THE VOTERS CASTING BALLOTS; AND]**

29
30 WHEREAS, The Borough has had 107 separate races (combining mayoral,
31 Assembly, School Board, and IGU races) in the 16 elections since 2005, of which 27 (or
32 25.2%, just over one race in four) were won by candidates who did not receive a majority
33 of the votes cast; specifically:

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- 34
- Of the 51 races for Assembly seats since 2005, 16 races, or 31%, have
35 been won by candidates who received less than 50% of the votes cast
36 (comprising 84% of the 19 races which had three or more candidates);
37 and
 - Of the 40 races for School Board since 2005, nine elections (23%) have
38 been won by candidates who received less than 50% of the votes cast
39 (comprising 89% of the nine races which had three or more candidates);
40 and
 - Of the ten races for IGU since 2014, all 3 elections (38%) with more
41 than three candidates were won by a candidate who received less than
42 50% of the votes cast; and
 - Of the six mayoral races held since 2005, where if a candidate does not
43 receive 40% of the votes cast a runoff is required, five had more than
44 two candidates running, and one required a runoff election, at a cost to
45 the Borough of approximately \$75,000 per runoff, and one narrowly
46 missed the cutoff for a runoff; and
47
48
49

50

51 WHEREAS, Ranked Choice Voting, also known as Instant Runoff Voting, is
52 a voting process that ensures that the winner of a race is preferred by a majority of the
53 voters casting ballots, by use of the following process:

- 54
- Voters are given a ballot listing all candidates for a given race;
 - 55 • Each voter ranks each of the candidates in order of their preference;
 - 56 • In the first round of vote tabulation, if a candidate receives a majority
57 of the votes, then that candidate is declared the winner of that race;
 - 58 • However, if in the first round of tabulation, no candidate receives a
59 majority of the votes, then the votes for the candidate who received the
60 least number of first-choice votes are redistributed to those voters'
61 second choice candidates, and totals are retabulated;

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62 • This process continues until one candidate receives a majority of the
63 votes cast; and

64
65 **[WHEREAS, MUNICIPALITIES IN FIVE OTHER STATES ARE**
66 **ALREADY USING RANKED CHOICE VOTING FOR THEIR MUNICIPAL**
67 **ELECTIONS, AND THE STATE OF MAINE HAS ADOPTED RANKED CHOICE**
68 **VOTING FOR STATEWIDE ELECTIONS, SO THAT RANKED CHOICE VOTING HAS**
69 **BEEN USED SUCCESSFULLY IN ELECTIONS SIMILAR TO THOSE IN THE**
70 **BOROUGH; AND**

71
72 **WHEREAS IN COMMUNITIES THAT HAVE ADOPTED RANKED**
73 **CHOICE VOTING, ANALYSES HAVE SHOWN THAT VOTING ERRORS ARE LOW**
74 **AND VOTERS FIND THE VOTING PROCESS STRAIGHTFORWARD; AND]**

75
76 WHEREAS, In 2020, the voters in the State of Alaska approved the use of
77 Ranked Choice Voting for statewide elections; and

78
79 WHEREAS, With Ranked Choice Voting, runoff elections for mayoral races
80 will no longer be needed, and the Borough’s Division of Elections allocates \$80,000 every
81 three years to pay for mayoral run-off elections; and

82
83 WHEREAS, The total cost for implementing Ranked Choice Voting per year
84 on a recurring basis is estimated to be slightly less than \$20,000 per year, so the recurring
85 total over three years is less than the amount to hold a single runoff election; and

86
87 WHEREAS, The State of Alaska and the Borough have purchased voting
88 machines that have the technical capability to implement Ranked Choice Voting; and

89

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90 **[WHEREAS, SINCE RANKED CHOICE VOTING WILL BE A NEW WAY**
91 **OF VOTING IN THE BOROUGH, IT IS IMPORTANT TO EDUCATE VOTERS,; THIS**
92 **ORDINANCE PROPOSES TO ALLOCATE MONEY ON A ONE-TIME BASIS FOR**
93 **THIS PURPOSE, SPECIFICALLY TO INCLUDE A POSTCARD CAMPAIGN AND**
94 **BOOTHS AT THE MIDNIGHT SUN FESTIVAL AND TANANA VALLEY STATE FAIR;**
95 **AND**

96
97 **WHEREAS, IN ADDITION, THERE ARE ONE-TIME COSTS**
98 **REQUIRED FOR THE INITIAL SET-UP AND TRAINING OF ELECTIONS STAFF.]**
99

100 **WHEREAS, Structural changes to the voting process for Fairbanks**
101 **North Star Borough municipal elections should be decided by an advisory**
102 **vote.**
103

104 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
105 North Star Borough:

106
107 Section 1. Sections 2 through 11 of this ordinance are of a general and
108 permanent nature and shall be codified. All other sections of this ordinance are not of a
109 general and permanent nature and shall not be codified.

110
111 Section 2. FNSBC 5.04.010, Definitions, is hereby amended to add the
112 following definitions [the Clerk shall add the definition in alphabetical order]:

113 "Continuing candidate" means a candidate who has been neither elected nor defeated.

114 "Duplicate candidate" means a single candidate has been selected for more than one
115 ranking.

116 "Exhausted ballot" means a ballot that cannot be advanced because no further candidate
117 is ranked on the ballot.

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118 “Ranked choice voting” means an election method in which voters rank candidates for an
119 office in order of their preference and the ballots are counted in rounds that simulate a
120 series of runoffs until one candidate receives a majority of votes.

121 “Ranking” means the number assigned by a voter to a candidate to express the voter’s
122 preference for that candidate, with a lower numerical value indicating a greater
123 preference for a candidate than a higher numerical value.

124 “Skipped ranking” means a voter leaves a ranking blank and ranks a candidate at a
125 subsequent ranking.

126

127 Section 3. FNSBC 5.04.050, Election times, is hereby amended as follows:

128 A. Time of Regular Election. Annually, on the first Tuesday of October, a regular
129 election shall be held in the borough for the election of vacant borough offices, and for
130 the determination of other matters as may be placed on the ballot.

131 B. [TIME OF RUN-OFF ELECTION. WHEN A RUN-OFF ELECTION IS REQUIRED BY
132 LAW, THE ELECTION SHALL BE HELD ON THE THIRD TUESDAY FOLLOWING THE
133 REGULAR ELECTION OR WITHIN TWO WEEKS AFTER CERTIFICATION OF THE RESULTS
134 OF THE REGULAR ELECTION. THE RUN-OFF ELECTION SHALL NOT BE CONSIDERED A
135 SPECIAL ELECTION WITHIN THE MEANING OF AS 29.71.

136 C.] Time of Service Area Elections.

137 1. Annually, on the third Tuesday of November, an election shall be held for
138 establishing new service areas, annexation to existing service areas, dissolving a service
139 area, or to consolidate or merge two or more service areas.

140 2. Annually, on the fourth Tuesday of March, an election shall be held for any
141 service area desiring to increase their mill levy for services provided within the boundaries
142 of the service area.

143 [D.]C. Time of Special Elections. The assembly, by motion, resolution, or adoption of an
144 ordinance, may call a special election at any time at least 75 days prior to the date of the
145 election. Unless the assembly has set a date for a required special election, the borough

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146 clerk shall call a special election when required by law or ordinance to place an initiative,
147 referendum, recall or other question before the voters.

148

149 Section 4. FNSBC 5.04.060, Notice of elections, is hereby amended as
150 follows:

151 A. The borough clerk shall publish a notice of each election at least twice in one or
152 more newspapers of general circulation in the borough. The borough clerk shall also post
153 such a notice in two conspicuous places in each precinct. The first such publication, and
154 the posting in each precinct, shall be accomplished at least 30 days prior to a regular
155 election or at least 20 days before a special election.

156 B. Each notice of election shall include:

- 157 1. The type of election, whether regular[,] or special [OR RUN-OFF];
- 158 2. The date of the election;
- 159 3. The hours the polls will be open;
- 160 4. The offices to which candidates are to be elected;
- 161 5. The subjects of propositions to be voted upon;
- 162 6. Voter qualifications and instructions for registration;
- 163 7. Instructions for application for absentee voting;
- 164 8. Early voting instructions, including station location and hours;
- 165 9. Precinct polling places.

166 C. Service Area Elections.

167 1. The borough clerk shall publish a notice of each service area election at
168 least twice in one or more newspapers of general circulation in the borough, and on the
169 borough website.

170 2. Each notice of election shall include:

- 171 a. The type of election;
- 172 b. The date of the election;
- 173 c. The polling place location and hours the poll(s) will be open;

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- 174 d. The subjects of propositions to be voted upon;
- 175 e. Voter qualifications as set forth in FNSBC 5.08.010 and instructions
- 176 for registration; and
- 177 f. The notice of election shall state a service area resident may vote in
- 178 person at the borough clerk's office or request a ballot by mail or electronic transmission.
- 179 D. [FOR RUN-OFF ELECTIONS, THE NOTICE OF THE LOCATIONS OF THE PRECINCT
- 180 POLLING PLACES MAY BE INCLUDED OR SEPARATE FROM THE NOTICE OF THE
- 181 ELECTION AND PUBLICATION SHALL BE MADE AT LEAST ONCE, NO LATER THAN FIVE
- 182 DAYS PRIOR TO THE RUN-OFF ELECTION. THE NOTICE OF ELECTION SHALL BE POSTED
- 183 AT TWO PLACES WITHIN EACH PRECINCT.
- 184 E.] Notice of Bonded Indebtedness.
- 185 1. Before a general obligation bond issue election, the borough clerk shall
- 186 publish notice of the borough's total existing bonded indebtedness at least once a week
- 187 for three weeks.
- 188 2. The notice of the borough's total existing bonded indebtedness shall state:
- 189 a. The current total general obligation bonded indebtedness, including
- 190 authorized but unsold bonds, of the borough;
- 191 b. The cost of the debt service on the current indebtedness; and
- 192 c. The total assessed valuation within the borough.

193

194 Section 5. FNSBC 5.04.070, Votes required for election to office, is hereby

195 amended as follows:

196 A. [ELECTION TO THE OFFICE OF BOROUGH MAYOR IS WHEN A CANDIDATE

197 RECEIVES THE GREATEST NUMBER OF VOTES AND OVER 40 PERCENT OF THE VOTES

198 CAST FOR THAT SEAT. A RUN-OFF ELECTION FOR THE OFFICE OF MAYOR SHALL BE

199 HELD BETWEEN THE TWO CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES

200 IF NO CANDIDATE RECEIVES OVER 40 PERCENT OF THE VOTES CAST.

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201 B.] The candidate for [AN] Borough Mayor, Assembly, Interior Alaska Natural Gas
202 Utility Board (IGU) at large or School Board seat receiving the [GREATEST NUMBER]
203 majority of votes cast for that seat is elected unless provided otherwise in this section.

204 B. When there are two qualified candidates on the ballot running for the same seat
205 and it is mathematically impossible for a candidate to receive the majority of the votes
206 cast due to declared or undeclared write-in votes, the candidate receiving the greatest
207 number of votes cast for that seat shall be elected.

208 C. If more than two qualified candidates are running for the same seat, the majority
209 of votes cast for that seat shall be determined using ranked choice voting.

210

211 Section 6. FNSBC 5.16.010, Ballot form, is hereby by amended as follows:

212 A. The ballot shall be designed with the position of names of the candidates set out
213 in the same order in each section on each ballot used in that election. The order for
214 placement of candidate names for each [OFFICE]seat shall be randomly determined by
215 the borough clerk.

216 B. The title of the office and seat to be filled shall be followed by the printed names
217 of the candidates for such office and seat, below which shall be blank lines equal in
218 number to the candidates to be elected to such [OFFICE]seat, upon which the voter may
219 write the names of persons not listed on the ballot. [THE WORDS "VOTE FOR NO MORE
220 THAN _____," WITH THE APPROPRIATE NUMBER REPLACING THE BLANK, SHALL
221 BE PLACED BEFORE THE LIST OF CANDIDATES FOR EACH OFFICE.] Names of candidates
222 shall be printed as they appear upon the declaration filed with the borough clerk, except
223 that any honorary or assumed title or prefix shall be omitted. A candidate's name
224 appearing on the ballot may include a nickname or familiar form of a proper name. The
225 names of candidates shall be set out in order as provided in subsection (A) of this section.

226 C. When there are two or less qualified candidates, the words "Vote for no more than
227 one candidate," shall be placed before the list of candidates for each such seat.

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228 D. When there are more than two qualified candidates, the ballot shall allow for
229 ranked choice voting. The ballot shall include instructions to voters that clearly indicate
230 how to rank candidates in order of the voter's preference.

231 E. Mixed-election method ballots. If elections are held in which ranked choice voting
232 is used in addition to other methods of voting, the ranked choice voting and non-ranked
233 choice voting elections shall be on the same ballot if possible, with ranked choice voting
234 and non-ranked choice voting portions clearly separated on the ballot. If placement of all
235 offices to be elected cannot be placed on a single ballot, a separate ballot may be used
236 for those seats to be elected using ranked choice voting. The borough may deviate from
237 the standard ballot order of offices to allow separation of ranked choice voting and non-
238 ranked choice voting elections.

239 F. The propositions to be voted on shall follow the candidates for office or shall be
240 on separate ballots, as the borough clerk may determine. The words "yes" and "no" shall
241 appear below each proposition.

242 [D.]G. Each ballot shall bear the words "Official Ballot" and the date of the election.

243 [E.]H. A ballot shall be printed on paper as provided in this title.

244 [F.]I. The ballots shall be consecutively numbered.

245
246 Section 7. FNSBC 5.16.020, Preparation and distribution, is hereby amended
247 as follows:

248 A. The borough clerk may contract for the preparation and printing of the ballots,
249 preparation, printing and distribution of ballots without obtaining competitive bids.

250 B. The borough clerk shall obtain the printing of all ballots for borough elections. The
251 borough clerk shall possess the printed ballots at least 15 days before each regular
252 election and at least 10 days before each special [AND RUN-OFF] election. After receipt
253 of ballot proofs, the clerk shall notify candidates and make the proof available for
254 inspection by any candidate whose name is on the ballot, or by their authorized agent,
255 and any discovered mistake shall be corrected immediately.

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256 C. The borough clerk shall arrange for delivery of ballots to the early voting station
257 prior to or on the date early voting begins and to each election board prior to or on the
258 date of the election before the opening of the polls. The ballots shall be delivered in
259 separate containers, with the number of ballots enclosed in each container clearly marked
260 on the outside of it. A receipt for each package shall be taken from the election board to
261 which it is delivered.

262
263 Section 8. FNSBC 5.24.010, Commencement of ballot count, is hereby
264 amended as follows:

265 A. Day of the election. In optical scan or other computer-read or electronic ballot
266 precincts, when the polls have closed and the last vote has been cast, the election board
267 shall immediately transmit election results to the borough clerk following the written
268 instructions provided to each precinct. Once the elections results have been transmitted,
269 the election board shall open the ballot box and place all ballots in the tamper-proof
270 containers provided. The election board shall remove all questioned ballots and place
271 them in the container provided. The election board shall proceed with the ballot
272 accountability and poll-closing procedures provided by the borough clerk.

273 B. Tuesday following the election. All questioned and absentee ballots determined to
274 be valid by the canvass board shall be counted and tabulation of ranked choice voting
275 races shall commence.

276 C. Tabulation of ranked choice voting races.

277 1. If a candidate receives a majority of the first-choice votes cast, that
278 candidate shall be declared elected. If no candidate receives a majority, the candidate
279 who received the fewest first-choice votes shall be eliminated and each vote cast for that
280 candidate shall be transferred to the next ranked candidate on the voter's ballot. If after
281 this transfer of votes a candidate has a majority of the votes from the continuing ballots,
282 that candidate shall be declared elected.

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283 2. If no candidate receives a majority of votes from the continuing ballots after
284 a candidate has been eliminated and their votes have been transferred to the next-ranked
285 candidate, the continuing candidate with the fewest votes from the continuing ballots
286 shall be eliminated. All votes cast for that candidate shall be transferred to the next-
287 ranked continuing candidate on each voter’s ballot. This process of eliminating candidates
288 and transferring their votes to the next-ranked continuing candidates shall be repeated
289 until a candidate receives a majority of the votes from the continuing ballots.

290 3. If the total number of votes of the two or more candidates credited with
291 the lowest number of votes is less than the number of votes credited to the candidate
292 with the next highest number of votes, those candidates with the lowest number of votes
293 shall be eliminated simultaneously and their votes transferred to the next-ranked
294 continuing candidate on each ballot in a single counting operation.

295 4. If two or more candidates tie for the least number of votes the candidate
296 to eliminate shall be chosen by lot.

297 5. A ballot with a skipped ranking shall immediately be advanced to the next
298 ranking for that race.

299 6. A ballot that has been undervoted, overvoted, contains a duplicate
300 candidate or is an exhausted ballot shall not count towards any candidate in that round
301 or in subsequent rounds for that race.

302

303 Section 9. FNSBC 5.24.070, Reporting results, is hereby added as follows:

304 5.24.070 Reporting results

305 A. Precinct summary statement. A printed precinct summary statement shall be made
306 available and minimally include the number of votes cast for each candidate, the number
307 of votes cast in the first ranking for each candidate, if applicable, and number of votes
308 cast for or against each proposition or question.

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309 B. Ranked choice voting summary statement, if applicable. A printed ranked choice
310 voting summary statement shall be made available and minimally include total votes cast,
311 total first choice ranking for all candidates and round-by-round tabulation results.
312

313 Section 10. FNSBC 5.32.050, Certification of the election results, is hereby
314 amended as follows:

315 A. The assembly shall meet in public session to receive the report of the canvass
316 board, as soon as is practicable. If, after considering the report, the assembly determines
317 that the election was validly held, the election shall be certified and entered upon the
318 minutes of the meeting, together with the precinct summary statement, ranked choice
319 voting summary statement and the total number of votes cast [FOR EACH CANDIDATE
320 AND] for or against each proposition or question.

321 B. Upon certification of a valid election, the borough clerk shall deliver to each person
322 elected to office a certificate of election, signed by the borough clerk and authenticated
323 by the seal of the borough clerk.
324

325 Section 11. FNSBC 5.36.010, Recount application, is hereby amended as
326 follows:

327 A. A defeated candidate, or 10 qualified voters who believe there has been a mistake
328 made by an election official or by the canvass board in counting the votes in an election,
329 may file an application with the borough clerk requesting a recount. The application shall
330 be filed with the borough clerk no later than 5:00 p.m. on the Monday following the
331 election or one business day after completion of the canvass, whichever is later.

332 B. The date on which the borough clerk receives an application, rather than the date
333 of mailing or transmission, determines whether the application is filed within the time
334 allowed under this subsection.

335 C. The application shall include a deposit in cash or certified check for \$200.00 per
336 election precinct to be recounted. The deposit shall be applied against any costs incurred.

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337 The applicant(s) shall pay all costs and expenses incurred in recount of an election if the
338 recount fails to reverse a result of the election or the difference between the winning and
339 losing vote on the result contested is more than two percent.

340 D. If two or more candidates having the highest number of votes for the same
341 [OFFICE]seat, to which only one candidate is to be elected, are separated by 10 votes or
342 less the borough clerk shall initiate a recount of that race. In a race using ranked choice
343 voting, a recount shall only be initiated based on the tabulation of the final round. The
344 clerk shall cease a recount under this subsection if a defeated candidate concedes the
345 election in writing no later than the close of business two *days* after completion of the
346 canvass.

347

348 **[SECTION 12. GENERAL FUND APPROPRIATION. THE FY 2020-21**
349 **BUDGET IS HEREBY AMENDED BY APPROPRIATING \$75,000 TO THE GENERAL**
350 **FUND BUDGETARY GUIDELINE ENTITLED "CONTRIBUTION TO MULTI-YEAR**
351 **GENERAL SUBFUND" AND BY INCREASING CONTRIBUTION FROM FUND**
352 **BALANCE BY A LIKE AMOUNT.**

353

354 **SECTION 13. MULTI-YEAR GENERAL SUBFUND APPROPRIATION.**
355 **THE FY 2020-21 BUDGET IS HEREBY AMENDED BY APPROPRIATING \$75,000**
356 **TO THE MULTI-YEAR GENERAL SUBFUND BUDGETARY GUIDELINE ENTITLED**
357 **"RANKED CHOICE VOTING IMPLEMENTATION AND VOTER EDUCATION" AND**
358 **BY INCREASING CONTRIBUTION FROM GENERAL FUND BY A LIKE AMOUNT.**

359

360 **SECTION 14. LAPSE OF FUNDS. UPON COMPLETION OR**
361 **ABANDONMENT OF THE PROJECT, ANY UNEXPENDED, UNENCUMBERED**
362 **BALANCE WILL LAPSE TO THE GENERAL FUND FUND BALANCE.]**

363

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364 Section **[15]12. Election. At the election to be held in the Borough**
365 **on October 5, 2021, the Borough will submit to its qualified voters the advisory**
366 **question as to whether Sections 2 through 11 of this ordinance shall be**
367 **approved. The question to be submitted will be in substantially the following**
368 **form:**

369
370 **An Advisory Question of Whether the Fairbanks North Star Borough Should**
371 **Conduct Its Elections For Mayor, Assembly, Interior Gas Utility and School**
372 **Board Offices Using Ranked Choice Voting**

373
374 **Shall Sections 2 through 11 of Ordinance No. 2021-17, providing**
375 **for ranked choice voting in Borough elections, become law?**

376 **YES** **NO**

377 **A "YES" vote supports ranked choice voting.**

378 **A "NO" vote rejects ranked choice voting.**

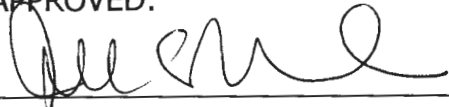
379
380 **Section 13. Effective Date. Section 12 of [T]** this ordinance is effective
381 at 5:00 p.m. on the first Borough business day following its adoption. **Sections 2**
382 **through 11 of this ordinance will become effective upon certification of the**
383 **October 5, 2021 election if a majority of voters vote yes to support its passage.**

384
385 ADOPTED THE _____ DAY OF _____ 2021.

386
387 _____
388 Mindy O'Neall
389 Presiding Officer
390

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391 ATTEST:
392
393 _____
394 April Trickey, CMC
395 Borough Clerk

APPROVED:


Jill S. Dolan
Borough Attorney

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