

Introduced by: Joseph Klejka, Mayor  
Introduction Date: May 14, 2013  
Public Hearing: May 28, 2013  
Action: Passed  
Vote: 7-0

## *CITY OF BETHEL, ALASKA*

### **Ordinance #13-13**

#### **AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING TITLE 7 ELECTIONS SECTION 7.30.050 REMOVING THE ALASKA PUBLIC OFFICES COMMISSION FINANCIAL DISCLOSURE REQUIRMENTS AND INSERTING THE BETHEL MUNICIPAL CODE FINANCIAL DISCLOSURE REQUIREMENT**

**NOW, THEREFORE BE IT ENACTED** by the City Council of Bethel Alaska as follows:

**SECTION 1. Classification.** This ordinance is of permanent nature and shall be codified within the Bethel Municipal Code.

**SECTION 2.** Bethel Municipal Code Title 7 Election Section 7.30.050 is amended as follows: new language is underlined and old language is stricken.

#### **7.30 Candidate Qualifications**

7.30.010 Candidate qualifications.

Any person is eligible for city office if the person is a qualified voter of the state and a resident of the city for at least one (1) year immediately preceding filing for office.

7.30.020 Declaration of candidacy.

A. A person who seeks to be a candidate for city council shall execute and file a declaration of candidacy with the clerk in accordance with this section. The declaration shall be executed under oath before an officer authorized to take acknowledgments.

B. A declaration of candidacy shall be on a form provided by the clerk and shall state the following:

1. The full name of the candidate, and the manner in which he wishes his name to appear on the ballot;
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 declares;
5. That the candidate is qualified for the office as provided by law;
6. That the candidate is a resident of the city;
7. That the candidate meets, or shall meet, as required by law, the specific requirements of the office the candidate is seeking;

8. The date and notarized statement signed by the candidate;

9. A certification by the candidate that the information in the declaration of candidacy is true and accurate.

C. Declarations of candidacy shall be provided by the clerk not earlier than seven (7) days prior to the opening of the filing period. Declarations of candidacy shall be submitted in original form and shall not be submitted by facsimile.

D. Filing for city office shall be made by filing a declaration of candidacy with the city clerk from 8:00 a.m., August fifth (5th) through 4:00 p.m., August twentieth (20th). In the event August 20th falls on Saturday Sunday or legal holiday, the candidate shall have until noon the next business day that is not a sat sun or legal holiday to file their declaration of candidacy.

E. Within four (4) business days after the filing of a declaration of candidacy, the clerk shall notify the candidate named in the declaration of candidacy whether or not it is in proper form. If not, the clerk shall immediately return it with a statement certifying wherein the declaration of candidacy is deficient to the candidate. A new declaration of candidacy for the same candidate may be filed within the time for filing declarations of candidacy.

#### 7.30.030 Write-in candidates.

In addition to the limitations contained in BMC 7.60.020, votes for a write-in candidate will not be counted unless that candidate has filed a declaration of candidacy with the clerk. A declaration of candidacy filed under this section must be filed with the clerk not earlier than the day immediately following the last day of the filing period and not later than 5:00 p.m. five days prior to the election.

#### 7.30.040 Notice of vacancies in office.

At least three (3) calendar days before the declaration of candidacy period is open for each regular or special election, the clerk shall post in three (3) public places a notice of offices to be filled at the election and the manner of filing a declaration of candidacy.

#### 7.30.050 Conflict of interest statements.

A. Candidates for elective city office and declared write-in candidates shall file ~~an Alaskan Public Offices Commission Conflict of Interest Statement with the clerk as required by the provisions of AS 39.50 at the time of:~~ a Financial Disclosure Statement with the city clerk as required by the provisions of BMC 2.05.080 at the time of:

1. Filing a declaration of candidacy. The clerk shall place the name of the candidate on the ballot only after the candidate has complied with this requirement.

2. Declaring their candidacy as a write-in candidate.

B. Each candidate for an elective office shall file the name and address of the candidate's campaign treasurer with the Alaska Public Offices Commission no later than seven (7) days after the date of filing a declaration of candidacy.

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#### 7.30.060 Corrections, amendments and withdrawal of declarations of candidacy.

Any candidate may withdraw his nomination at any time during the period of filing a declaration of candidacy by written notice to the clerk. After the filing period has closed, no declaration of candidacy may be corrected, amended or withdrawn.

#### 7.30.070 Determination of candidate eligibility.

- A. The clerk shall determine whether each candidate filing a declaration of candidacy for municipal office is qualified as provided by law. At any time before the election the clerk may disqualify any candidate whom the clerk finds is not qualified.
- B. Any person, including the clerk, may question the eligibility of a candidate who has filed a declaration of candidacy by filing a complaint with the clerk.
- C. The complaint must be in writing and include the name, mailing address, contact phone number, signature of the person making the complaint, and a statement describing the grounds on which the candidate's eligibility is being questioned.
- D. The clerk will review only those issues in the complaint related to candidate eligibility.
- E. Upon receipt of a complaint, or if the clerk questions the eligibility of the candidate, the clerk will send notification in writing to the candidate.
- F. The clerk shall review any evidence relevant to the candidate's qualifications, including, but not limited to, the candidate's residency, voter registration, declaration of candidacy, and any other document of public record or as required by BMC 7.30.010. Based on the review of the documents, the clerk will determine whether a preponderance of evidence supports or does not support the eligibility of the candidate.
- G. If the clerk determines the preponderance of evidence supports the eligibility of the candidate, the clerk will issue a final determination supporting the candidate's eligibility.
- H. If the clerk determines the preponderance of evidence does not support the candidate's eligibility, notice to the candidate will identify any additional information or evidence that must be provided by the candidate. The clerk must receive the requested information no later than three business days from the date of notice. The clerk will consider any additional information provided and issue a final determination as to the candidate's eligibility no later than three business days from receipt of the additional information.
- I. If the information requested by the clerk in subsection H of this section is not received by the specified deadline, the clerk will issue a final determination regarding the candidate's eligibility based on the information initially reviewed.
- J. The clerk will send notice of final determination in writing to the person making the complaint if applicable, and to the candidate. The determination of the clerk shall stand.

7.30.080 Prohibitions.

A. No elected official of the city may hold any other compensated city office or city employment, or elected position in the state or federal government while in office.

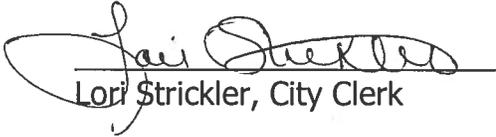
B. A public safety volunteer is exempt from this section per BMC 3.64.060.

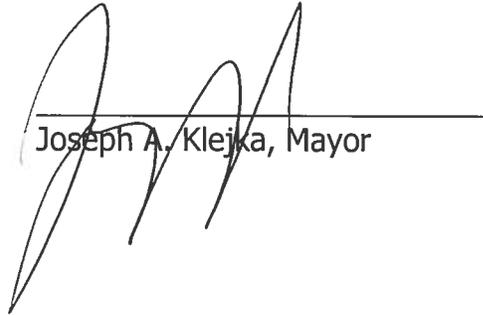
**Section 4: Preclearance:** Upon approval of this ordinance by the City Council, the City Clerk shall prepare and submit this ordinance for preclearance by the United States Department of Justice pursuant to Section 5 of the Federal Voting Rights Act.

**Section 5: Effective Date:** This ordinance shall become effective upon preclearance from the U.S. Department of Justice, or sixty (60) days following submission of the preclearance request authorized by Section 4 of this ordinance if no objection is interposed pursuant to 28 C.F.R. § 51.42.

**PASSED AND APPROVED THIS 28 DAY OF MAY, 2013 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.**

ATTEST:

  
Lori Strickler, City Clerk

  
Joseph A. Klejka, Mayor