

1 By: Leah Berman Williams  
2 Matt Cooper  
3 Introduced: 04/08/2021  
4 Advanced: 04/08/2021  
5 Defeated: 04/29/2021  
6 Immediate  
7 Reconsideration Failed: 04/29/2021  
8 Defeated: 04/29/2021  
9

10 FAIRBANKS NORTH STAR BOROUGH

11  
12 ORDINANCE NO. 2021 – 17

13  
14 AN ORDINANCE AMENDING FNSBC TITLE 5 TO PROVIDE FOR RANKED CHOICE  
15 VOTING IN MUNICIPAL ELECTIONS; AND AMENDING THE FY 2020-21 BUDGET BY  
16 APPROPRIATING \$75,000 FROM THE GENERAL FUND FUND BALANCE TO THE  
17 MULTI-YEAR GENERAL SUBFUND FOR THE IMPLEMENTATION OF AND VOTER  
18 EDUCATION ABOUT RANKED CHOICE VOTING IN MUNICIPAL ELECTIONS  
19

20 WHEREAS, The current process for determining the winner of a municipal  
21 election in the Fairbanks North Star Borough (Borough), called “first past the post voting”  
22 allows for the winning candidate for Assembly, School Board, and Interior Gas Utility  
23 Board (IGU) seats to be elected if they receive the greatest number of votes but less than  
24 a majority of the votes cast and requires expensive runoff elections for the Mayoral races  
25 if a mayoral candidate does not receive over 40 percent of the votes cast for that seat;  
26 and  
27

28 WHEREAS, The winner of an election should be preferred by a majority of  
29 the voters casting ballots; and  
30

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

- 35 • Of the 51 races for Assembly seats since 2005, 16 races, or 31%, have  
36 been won by candidates who received less than 50% of the votes cast  
37 (comprising 84% of the 19 races which had three or more candidates);  
38 and
- 39 • Of the 40 races for School Board since 2005, nine elections (23%) have  
40 been won by candidates who received less than 50% of the votes cast  
41 (comprising 89% of the nine races which had three or more candidates);  
42 and

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

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- Of the ten races for IGU since 2014, all 3 elections (38%) with more than three candidates were won by a candidate who received less than 50% of the votes cast; and
  - Of the six mayoral races held since 2005, where if a candidate does not receive 40% of the votes cast a runoff is required, five had more than two candidates running, and one required a runoff election, at a cost to the Borough of approximately \$75,000 per runoff, and one narrowly missed the cutoff for a runoff; and

51

52 WHEREAS, Ranked Choice Voting, also known as Instant Runoff Voting, is

53 a voting process that ensures that the winner of a race is preferred by a majority of the

54 voters casting ballots, by use of the following process:

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- Voters are given a ballot listing all candidates for a given race;
  - Each voter ranks each of the candidates in order of their preference;
  - In the first round of vote tabulation, if a candidate receives a majority of the votes, then that candidate is declared the winner of that race;
  - However, if in the first round of tabulation, no candidate receives a majority of the votes, then the votes for the candidate who received the least number of first-choice votes are redistributed to those voters' second choice candidates, and totals are retabulated;
  - This process continues until one candidate receives a majority of the votes cast; and

65

66 WHEREAS, Municipalities in five other states are already using Ranked

67 Choice Voting for their municipal elections, and the state of Maine has adopted Ranked

68 Choice Voting for statewide elections, so that Ranked Choice Voting has been used

69 successfully in elections similar to those in the Borough; and

70

71 WHEREAS In communities that have adopted Ranked Choice Voting,

72 analyses have shown that voting errors are low and voters find the voting process

73 straightforward; and

74

75 WHEREAS, In 2020, the voters in the State of Alaska approved the use of

76 Ranked Choice Voting for statewide elections; and

77

78 WHEREAS, With Ranked Choice Voting, runoff elections for mayoral races

79 will no longer be needed, and the Borough's Division of Elections allocates \$80,000 every

80 three years to pay for mayoral run-off elections; and

81

82 WHEREAS, The total cost for implementing Ranked Choice Voting per year

83 on a recurring basis is estimated to be slightly less than \$20,000 per year, so the recurring

84 total over three years is less than the amount to hold a single runoff election; and

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

88 WHEREAS, Since Ranked Choice Voting will be a new way of voting in the  
89 Borough, it is important to educate voters,; this ordinance proposes to allocate money on  
90 a one-time basis for this purpose, specifically to include a postcard campaign and booths  
91 at the Midnight Sun Festival and Tanana Valley State Fair; and  
92

93 WHEREAS, In addition, there are one-time costs required for the initial set-  
94 up and training of elections staff.  
95

96 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
97 North Star Borough:  
98

99 Section 1. Sections 2 through 11 of this ordinance are of a general and  
100 permanent nature and shall be codified. All other sections of this ordinance are not of a  
101 general and permanent nature and shall not be codified.  
102

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

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

106 "Duplicate candidate" means a single candidate has been selected for more than one  
107 ranking.

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

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

113 "Ranking" means the number assigned by a voter to a candidate to express the voter's  
114 preference for that candidate, with a lower numerical value indicating a greater  
115 preference for a candidate than a higher numerical value.

116 "Skipped ranking" means a voter leaves a ranking blank and ranks a candidate at a  
117 subsequent ranking.  
118

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

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

123 B. [TIME OF RUN-OFF ELECTION. WHEN A RUN-OFF ELECTION IS REQUIRED BY  
124 LAW, THE ELECTION SHALL BE HELD ON THE THIRD TUESDAY FOLLOWING THE  
125 REGULAR ELECTION OR WITHIN TWO WEEKS AFTER CERTIFICATION OF THE RESULTS

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126 OF THE REGULAR ELECTION. THE RUN-OFF ELECTION SHALL NOT BE CONSIDERED A  
127 SPECIAL ELECTION WITHIN THE MEANING OF AS 29.71.

128 C.] Time of Service Area Elections.

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

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

135 [D.]C. Time of Special Elections. The assembly, by motion, resolution, or adoption of an  
136 ordinance, may call a special election at any time at least 75 days prior to the date of the  
137 election. Unless the assembly has set a date for a required special election, the borough  
138 clerk shall call a special election when required by law or ordinance to place an initiative,  
139 referendum, recall or other question before the voters.

140

141 Section 4. FNSBC 5.04.060, Notice of elections, is hereby amended as  
142 follows:

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

148 B. Each notice of election shall include:

- 149 1. The type of election, whether regular[,] or special [OR RUN-OFF];
- 150 2. The date of the election;
- 151 3. The hours the polls will be open;
- 152 4. The offices to which candidates are to be elected;
- 153 5. The subjects of propositions to be voted upon;
- 154 6. Voter qualifications and instructions for registration;
- 155 7. Instructions for application for absentee voting;
- 156 8. Early voting instructions, including station location and hours;
- 157 9. Precinct polling places.

158 C. Service Area Elections.

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

162 2. Each notice of election shall include:

- 163 a. The type of election;
- 164 b. The date of the election;
- 165 c. The polling place location and hours the poll(s) will be open;
- 166 d. The subjects of propositions to be voted upon;

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167 e. Voter qualifications as set forth in FNSBC 5.08.010 and instructions  
168 for registration; and

169 f. The notice of election shall state a service area resident may vote in  
170 person at the borough clerk's office or request a ballot by mail or electronic transmission.

171 D. [FOR RUN-OFF ELECTIONS, THE NOTICE OF THE LOCATIONS OF THE PRECINCT  
172 POLLING PLACES MAY BE INCLUDED OR SEPARATE FROM THE NOTICE OF THE  
173 ELECTION AND PUBLICATION SHALL BE MADE AT LEAST ONCE, NO LATER THAN FIVE  
174 DAYS PRIOR TO THE RUN-OFF ELECTION. THE NOTICE OF ELECTION SHALL BE POSTED  
175 AT TWO PLACES WITHIN EACH PRECINCT.

176 E.] Notice of Bonded Indebtedness.

177 1. Before a general obligation bond issue election, the borough clerk shall  
178 publish notice of the borough's total existing bonded indebtedness at least once a week  
179 for three weeks.

180 2. The notice of the borough's total existing bonded indebtedness shall state:

181 a. The current total general obligation bonded indebtedness, including  
182 authorized but unsold bonds, of the borough;

183 b. The cost of the debt service on the current indebtedness; and

184 c. The total assessed valuation within the borough.  
185

186 Section 5. FNSBC 5.04.070, Votes required for election to office, is hereby  
187 amended as follows:

188 A. [ELECTION TO THE OFFICE OF BOROUGH MAYOR IS WHEN A CANDIDATE  
189 RECEIVES THE GREATEST NUMBER OF VOTES AND OVER 40 PERCENT OF THE VOTES  
190 CAST FOR THAT SEAT. A RUN-OFF ELECTION FOR THE OFFICE OF MAYOR SHALL BE  
191 HELD BETWEEN THE TWO CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES  
192 IF NO CANDIDATE RECEIVES OVER 40 PERCENT OF THE VOTES CAST.

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

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

200 C. If more than two qualified candidates are running for the same seat, the majority  
201 of votes cast for that seat shall be determined using ranked choice voting.  
202

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

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

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- 208 B. The title of the office and seat to be filled shall be followed by the printed names  
209 of the candidates for such office and seat, below which shall be blank lines equal in  
210 number to the candidates to be elected to such [OFFICE]seat, upon which the voter may  
211 write the names of persons not listed on the ballot. [THE WORDS "VOTE FOR NO MORE  
212 THAN \_\_\_\_\_," WITH THE APPROPRIATE NUMBER REPLACING THE BLANK, SHALL  
213 BE PLACED BEFORE THE LIST OF CANDIDATES FOR EACH OFFICE.] Names of candidates  
214 shall be printed as they appear upon the declaration filed with the borough clerk, except  
215 that any honorary or assumed title or prefix shall be omitted. A candidate's name  
216 appearing on the ballot may include a nickname or familiar form of a proper name. The  
217 names of candidates shall be set out in order as provided in subsection (A) of this section.
- 218 C. When there are two or less qualified candidates, the words "Vote for no more than  
219 one candidate," shall be placed before the list of candidates for each such seat.
- 220 D. When there are more than two qualified candidates, the ballot shall allow for  
221 ranked choice voting. The ballot shall include instructions to voters that clearly indicate  
222 how to rank candidates in order of the voter's preference.
- 223 E. Mixed-election method ballots. If elections are held in which ranked choice voting  
224 is used in addition to other methods of voting, the ranked choice voting and non-ranked  
225 choice voting elections shall be on the same ballot if possible, with ranked choice voting  
226 and non-ranked choice voting portions clearly separated on the ballot. If placement of all  
227 offices to be elected cannot be placed on a single ballot, a separate ballot may be used  
228 for those seats to be elected using ranked choice voting. The borough may deviate from  
229 the standard ballot order of offices to allow separation of ranked choice voting and non-  
230 ranked choice voting elections.
- 231 F. The propositions to be voted on shall follow the candidates for office or shall be  
232 on separate ballots, as the borough clerk may determine. The words "yes" and "no" shall  
233 appear below each proposition.
- 234 [D.]G. Each ballot shall bear the words "Official Ballot" and the date of the election.
- 235 [E.]H. A ballot shall be printed on paper as provided in this title.
- 236 [F.]I. The ballots shall be consecutively numbered.

237  
238 Section 7. FNSBC 5.16.020, Preparation and distribution, is hereby amended  
239 as follows:

- 240 A. The borough clerk may contract for the preparation and printing of the ballots,  
241 preparation, printing and distribution of ballots without obtaining competitive bids.
- 242 B. The borough clerk shall obtain the printing of all ballots for borough elections. The  
243 borough clerk shall possess the printed ballots at least 15 days before each regular  
244 election and at least 10 days before each special [AND RUN-OFF] election. After receipt  
245 of ballot proofs, the clerk shall notify candidates and make the proof available for  
246 inspection by any candidate whose name is on the ballot, or by their authorized agent,  
247 and any discovered mistake shall be corrected immediately.
- 248 C. The borough clerk shall arrange for delivery of ballots to the early voting station  
249 prior to or on the date early voting begins and to each election board prior to or on the

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250 date of the election before the opening of the polls. The ballots shall be delivered in  
251 separate containers, with the number of ballots enclosed in each container clearly marked  
252 on the outside of it. A receipt for each package shall be taken from the election board to  
253 which it is delivered.

254  
255 Section 8. FNSBC 5.24.010, Commencement of ballot count, is hereby  
256 amended as follows:

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

265 B. Tuesday following the election. All questioned and absentee ballots determined to  
266 be valid by the canvass board shall be counted and tabulation of ranked choice voting  
267 rates shall commence.

268 C. Tabulation of ranked choice voting rates.

269 1. If a candidate receives a majority of the first-choice votes cast, that  
270 candidate shall be declared elected. If no candidate receives a majority, the candidate  
271 who received the fewest first-choice votes shall be eliminated and each vote cast for that  
272 candidate shall be transferred to the next ranked candidate on the voter's ballot. If after  
273 this transfer of votes a candidate has a majority of the votes from the continuing ballots,  
274 that candidate shall be declared elected.

275 2. If no candidate receives a majority of votes from the continuing ballots after  
276 a candidate has been eliminated and their votes have been transferred to the next-ranked  
277 candidate, the continuing candidate with the fewest votes from the continuing ballots  
278 shall be eliminated. All votes cast for that candidate shall be transferred to the next-  
279 ranked continuing candidate on each voter's ballot. This process of eliminating candidates  
280 and transferring their votes to the next-ranked continuing candidates shall be repeated  
281 until a candidate receives a majority of the votes from the continuing ballots.

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

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

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

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291 6. A ballot that has been undervoted, overvoted, contains a duplicate  
292 candidate or is an exhausted ballot shall not count towards any candidate in that round  
293 or in subsequent rounds for that race.  
294

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

296 5.24.070 Reporting results

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

301 B. Ranked choice voting summary statement, if applicable. A printed ranked choice  
302 voting summary statement shall be made available and minimally include total votes cast,  
303 total first choice ranking for all candidates and round-by-round tabulation results.  
304

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

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

313 B. Upon certification of a valid election, the borough clerk shall deliver to each person  
314 elected to office a certificate of election, signed by the borough clerk and authenticated  
315 by the seal of the borough clerk.  
316

317 Section 11. FNSBC 5.36.010, Recount application, is hereby amended as  
318 follows:

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

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

327 C. The application shall include a deposit in cash or certified check for \$200.00 per  
328 election precinct to be recounted. The deposit shall be applied against any costs incurred.  
329 The applicant(s) shall pay all costs and expenses incurred in recount of an election if the  
330 recount fails to reverse a result of the election or the difference between the winning and  
331 losing vote on the result contested is more than two percent.

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

339  
340 Section 12. General Fund Appropriation. The FY 2020-21 budget is hereby  
341 amended by appropriating \$75,000 to the General Fund budgetary guideline entitled  
342 "Contribution to Multi-Year General Subfund" and by increasing Contribution from Fund  
343 Balance by a like amount.

344  
345 Section 13. Multi-Year General Subfund Appropriation. The FY 2020-21  
346 budget is hereby amended by appropriating \$75,000 to the Multi-Year General Subfund  
347 budgetary guideline entitled "Ranked Choice Voting Implementation and Voter Education"  
348 and by increasing Contribution from General Fund by a like amount.

349  
350 Section 14. Lapse of Funds. Upon completion or abandonment of the  
351 project, any unexpended, unencumbered balance will lapse to the General Fund fund  
352 balance.

353  
354 Section 15. Effective Date. This ordinance is effective at 5:00 p.m. on the  
355 first Borough business day following its adoption.

356 ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

357  
358  
359 *[DEFEATED]*

360 \_\_\_\_\_  
361 Mindy O'Neill  
362 Presiding Officer

363  
364 ATTEST:

365  
366 *[DEFEATED]*

367 \_\_\_\_\_  
368 April Trickey, CMC  
369 Borough Clerk

370  
371 Yeses: Lyke

372 Noes: Cooper, Williams, Cash, Wilson, Tomaszewski, Lojewski, O'Neill

373 Other: Sanford (Excused)

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FAIRBANKS NORTH STAR BOROUGH  
FISCAL NOTE

I. Request

Ordinance No: 2021-17 Date Introduced: April 8, 2021

Abbreviated Title: Appropriating \$75,000 from the General Fund Fund Balance to the Multi-Year General Subfund for Ranked Choice Voting Implementation and Voter Education

II. Financial Detail

Department/Division Affected: Assembly

EXPENDITURE	General Fund	Multi-Year General Subfund	Total
	FY 20/21	FY 20/21	FY 20/21
Awaiting Budget		75,000	
Personnel Services			
Contribution to Multi-Year General Subfund	75,000		
<b>Total</b>	<b>75,000</b>	<b>75,000</b>	

SOURCE OF FUNDING

Contribution from General Fund		75,000	
Contribution from Fund Balance	75,000		
State Grants			
<b>Total</b>	<b>75,000</b>	<b>75,000</b>	

Specify Funding Sources: General Fund fund balance

OTHER FUNDING (PREVIOUSLY APPROPRIATED)

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III. Project Purpose:

To implement Ranked Choice Voting and educate voters in the Borough

IV. Analysis of Future Liabilities and Funding Sources:

Annual setup fees and software licenses

V. Fund Certification: I certify that funding sources are available as detailed in II above.

Debra L. R. Brady for DLRB  
Debra L. R. Brady  
Chief Financial Officer

3/17/2021  
Date

FA	SrGLA	<i>[Signature]</i>
GA	CA	<i>[Signature]</i>
SpA	C	<i>[Signature]</i>
TBM	SA	<i>[Signature]</i>