



ORDINANCE 10-04

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.36

**WHEREAS**, the Aleutians East Borough Assembly is authorized under the Alaska State Statute Section 29.26.010 to prescribe the rules for conducting municipal elections within the jurisdiction of the Aleutians East Borough; and

**WHEREAS**, Title 4, Chapter 36 of the Aleutians East Borough Municipal Code provides a section determining tie votes for a seat or office, it does not determine which two candidates are to be the run-off candidates if they are tied.

**NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:**

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the borough code.

**Section 2. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 3. Effectiveness.** This ordinance shall become effective upon adoption.

**Section 4: Adoption by Section.** Code section 4.36.070 is hereby repealed and Code Section 4.36.070 as annexed hereto as part of this ordinance is hereby adopted as Code Section 4.36.070 of the Code of Ordinances of the Aleutians East Borough.

INTRODUCED: 4/29/10  
ADOPTED: 5/28/10

  
Stanley Mack, Mayor

Date: 5/28/10

ATTEST:  


Clerk  
Date: 5/28/10

**4.36.070 Determination of Tie Votes.**

If after a recount and/or appeal of the election results the following occurs:

- (1) Two or more candidates are tied for the seat or office;
- (2) more than two candidates tie for the highest number of votes with no candidate receiving excess of 40% of the votes cast for the same seat or office;
- (3) two or more candidates tie for the second highest number of votes with no candidate receiving excess of 40% of the votes cast for the same seat or office.

The borough clerk shall notify the candidates who tied. The borough clerk shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. All tied candidates shall be present at such time and place, either in person or by proxy, to participate in the determination. If any tied candidate fails for any reason to attend in person or by proxy, the mayor shall designate a disinterested person to participate as the proxy for the absent candidate. After the determination has been made by lot, the mayor shall so certify to the clerk and the assembly.

**4.36.070 Determination of Tie Votes.**

If after a recount and/or appeal of the election results by the assembly the following occurs:

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(1) Two or more candidates are tied for the seat or office;

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(2) more than two candidates tie for the highest number of votes with no candidate receiving excess of 40% of the votes cast for the same seat or office;

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(3) two or more candidates tie for the second highest number of votes with no candidate receiving excess of 40% of the votes cast for the same seat or office.

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the borough clerk shall notify the candidates who tied. The borough clerk shall notify the candidates of a reasonably suitable time and place to determine the successful candidate by lot. All tied candidates shall be present at such time and place, either in person or by proxy, to participate in the determination. If any tied candidate fails for any reason to attend in person or by proxy, the mayor shall designate a disinterested person to participate as the proxy for the absent candidate. After the determination has been made by lot, the mayor shall so certify to the clerk and the assembly.

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