

Introduced by:	Cox
Date:	04/15/25
Hearing:	05/20/25
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2025-07**

**AN ORDINANCE AMENDING KPB 4.10.100 RELATING TO THE USE OF
PUBLIC FUNDS ON BALLOT PROPOSITIONS TO MIRROR STATE LAW**

WHEREAS, KPB 4.10.100 prohibits the use of public funds, facilities, equipment or supplies purchased with public funds, and services of public employees in-kind to promote the passage of a ballot proposition; and

WHEREAS, due to uncertainty surrounding what might be considered materials or presentations intended to inform, promote or otherwise influence the outcome of a vote on a bond proposition, the historical trend has been to enact an ordinance that provides for the distribution of materials in a manner that complies with State law requirements, notwithstanding KPB 4.10.100; and

WHEREAS, Ordinance 2024-16, Ordinance 2022-19-02, Ordinance 2021-19-58, Ordinance 2020-19-04, Ordinance 2019-19-07, Ordinance 2017-19-03, and Ordinance 2017-19-02, are recent examples in which the Assembly enacted a notwithstanding exception to KPB 4.10.100 to allow for the distribution materials to inform voters about a ballot proposition; and

WHEREAS, State law provides that in order for a municipality to expend funds or other resources that may be considered to influence the outcome of an election there must be a specific ordinance that appropriates funds for that purpose; and

WHEREAS, this code amendment ordinance will align with State law to require a specific appropriating ordinance in order to use public moneys, or facilities, equipment or supplies purchased with public moneys, and services of public employees in kind, to influence the outcome or otherwise inform voters about ballot propositions;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. This ordinance amends KPB Code and will be codified.

SECTION 2. That KPB 4.10.100(a) is amended to read as follows:

4.10.100. Prohibition on use of public funds [MONEYS TO PROMOTE PASSAGE OF] for[A] ballot proposition[S] materials.

A. The use of public moneys, or facilities, equipment or supplies purchased with public moneys, and services of public employees in kind, [TO PROMOTE THE PASSAGE OF]to inform voters about pros, cons, or potential impacts of an election concerning a ballot proposition[S] including public expenditures, appropriations or bond issues is prohibited unless funds have been specifically appropriated by ordinance for that purpose in accordance with AS 15.13.145.

...

SECTION 3. If any provision of this ordinance or its application is determined to be invalid, the remaining provisions shall continue in full force and effect.

SECTION 4. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2025.

Peter Ribbens, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent: