

# Kenai Peninsula Borough Assembly

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## MEMORANDUM

**TO:** Kelly Cooper, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Brent Johnson, Assembly Member BJ

**DATE:** December 26, 2019

**RE:** Ordinance 2020-01, Amending KPB 4.30.010 and KPB 4.30.050 regarding Candidate Qualification and Review of Candidate Qualifications for Borough Elections (Johnson)

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The recent election brought to my attention deficiencies in Kenai Peninsula Borough Code regarding candidate qualifications in our local elections.

First, this borough has a candidate durational residency requirement of only 180 days compared to one year requirements in the boroughs of Matanuska-Susitna, Fairbanks North Star, Haines, Petersburg, Kodiak Island and Ketchikan Gateway, and the City of Homer, just to name a few other somewhat comparable Alaska municipalities. A longer durational residency requirement serves important local interests. Durational residency requirements permit exposure of the candidate to his or her prospective constituents and ensure that candidates are familiar with the issues and diverse character of the area the candidate desires to serve. One-year residency requirements afford greater voter knowledge of candidates and greater candidate knowledge of the needs of the constituency while also protecting constitutional rights of both the voter and the candidate.

In addition, borough code does not provide guidance on what "resident of" means for local borough and school district elected positions. This proposed amendment to KPB 4.30.050 mirrors state law and provides a clearer process for the clerk to follow in reaching a decision when a candidate's qualifications are challenged. This ordinance defines residence as actual physical presence and habitation at a specific location in the borough. It also provides a more defined procedure for the public to challenge a candidate's qualifications to run for local office and for the clerk to follow in reaching a decision on the matter.

Candidates for local office should be familiar with the issues and challenges facing their constituents and should not be able to move to an area right before an election for personal gain.

Your consideration is appreciated.