

# Representative Ron Gillham

## Alaska State Legislature

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### House District 30

#### Sponsor Statement

**HB 190: "An Act relating to recall of state public officials; relating to recall of municipal officials; relating to campaign finance in recall elections; and providing for an effective date."**

The purpose of this Act is to encourage political transparency and accountability, to empower and re-enfranchise the electorate, and to discourage abuse of the recall statutes.

HB 190 defines when a recall effort becomes official, when funds may be received and when a recall application must be filed as it relates to reportable campaign fundraising. This addition provides greater assurance that when voters are solicited for financial support in a recall effort, funds gathered are actually being used to support a recall campaign as evidenced by the establishment of an auditable account and filing of a recorded recall application.

The bill streamlines, unifies, and clarifies state recall statute for organizers, public officials, and the court as they pursue, respond, review, and adjudicate the voters right to recall elected officials at the state and local levels.

Under option 1 (sections 1-8 and 10-26 of the bill) The bill defines the primary recall process for State and local officials; and in Section 1, identifies that recall efforts may solicit or accept funds to organize no more than three days before opening a campaign account with a qualified financial institution, and that once an account has been opened, an application for recall must be filed with the Division of Elections within the following 30 days. This change assures that the question of sufficient grounds for recall is addressed as soon as reasonably possible to determine the validity of a recall claim against an elected official.

The bill affirms Article One, Section Two of the Alaska Constitution, recognizing the ultimate right of the people to file a recall application at any time. Since an elected official cannot be recalled from an office until they occupy an office, the first day a public official can be recalled is on the first day of the official's elected term.

To this end, once a recall application has been approved by the Division of Elections, or on appeal by the Superior Court, the Bill removes previous restrictions on the time the applicant is afforded to collect or submit signatures requesting a special recall election.

The bill unifies the recall application process for both state and local recall efforts and removes the burdensome pre-application petition requirement. The bill provides clear definitions for the required recall-grounds statement, providing the Division of Elections and the Superior Court with clear guidance concerning evaluation of grounds as they apply to approval or denial of the petitioner's recall application.

The bill adds a second option for recall under a new section titled, "Recall by petition of no confidence," prescribing a process for recalling officials on purely political grounds with a simple statement of, "no-confidence." Under this new section organizers need only collect signatures from a simple majority of, "active registered voters," from the official's designated electorate; using a documented distribution, control and collection process certified by the Division of Elections. Recall option 2 does not require a special election and does not cost local and state government the same expense required under option 1.

Upon successful completion and certification of recall by petition of no confidence, the elected official is immediately recalled from office and their vacancy is filled under the current vacancy appointment method.

Option 2 requires a necessarily high petition signature threshold providing protection for the primary electoral system, while assuring a less restrictive, more organic process, to preserve the voters unequable rights under Article 1, Section 2 of the Alaska Constitution; securing that right against interference or potential obstruction from the officials and branches they may wish to correct through the recall process.

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