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House Bill 157

“An Act requiring the disclosure of the identity of certain persons, groups, and nongroup entities that expend money in support of or in opposition to an application filed for a state referendum or recall election; and providing for an effective date.”

Chair Kreiss-Tomkins,

During the hearing on April 17, 2021, questions were raised by committee members regarding the recall process in Alaska. Below are the responses to those questions.

- What is the recall reporting process in other states?

In the 19 states that allow recall elections, citizens can attempt to remove an elected official from office at any time. Typically, the recall process consists of gathering a certain number of signatures on a petition in a certain amount of time. Beyond this, details of the recall process vary by state.

Recall of State Officials

Alaska	Illinois	New Jersey
Arizona	Kansas	North Dakota
California	Louisiana	Oregon
Colorado	Michigan	Rhode Island
District of Columbia	Minnesota	Washington
Georgia	Montana	Wisconsin
Idaho	Nevada	

(Information provided by NCSL)

From the cross-section study we conducted, California, Arizona, Colorado, Idaho, and Washington had the same reporting requirements for all election types, including recall elections.

- What is the current process for election reporting?

See attached flowchart.

- Why is HB 157 limited to just state recalls?

If the municipality/borough is subject to AS 15.13, persons who sponsor recalls at the local level would be subject to the reporting requirements as they currently exist, i.e., the sponsor of the recall would file regular group campaign disclosure reports (30-day, 7-day, 105-day) after the recall was certified to appear on the ballot.

Like state recalls, the sponsor is not required to disclose money raised/spent solely for signature gathering purposes because those funds don't meet the definitions of either a contribution or an expenditure. Further, sponsors of a local recall are not required to file quarterly reports (even if it would report zero activity) because the requirement for quarterlies found in AS 15.13.110(e) applies to recalls filed with the Lt. Governor's office.

- How long has the recall process been allowed and how many have we had?

The recall process was in the constitution when Alaska became a state. The referendum and initiative process were added to the constitution in 1970.

Only three of the 21 recall attempts reviewed by the Division of Elections and Department of Law were ever voted on. These were school board seats in 2007 for the Chatham School District (Angoon, Klukwan, and Gustavus). Ten attempts were denied due to insufficient grounds and five were due to application insufficiencies. Below is a historical list of the recalls filed with the Division of Elections.

09/05/2019: Governor Michael J. Dunleavy. Following the review by the Department of Law (11/4/2019), the Director of Elections denied the application based on the advice of Attorney General Clarkson. However, on May 8, 2020, the Supreme Court affirmed the lower court's ruling and allowed the recall effort to proceed.

09/12/2014: Kashunamiut School District – Board Member. Following review by the Department of Law (9/30/2014), the Director of Elections denied the application due to insufficiencies within the application.

11/06/2013: Representative Lindsey Holmes, House District 19. Following review by the Department of Law (12/16/2013), the Director of Elections denied the application due to insufficient grounds.

08/29/2011: Representative Kyle Johansen, House District 1. Following review by the Department of Law (10/10/2011), the Director of Elections denied the application due to insufficient grounds.

04/15/2010: Annette Island School District – Board Member. Following review by the Department of Law (6/7/2010), the Director of Elections denied the application due to insufficient grounds and multiple insufficiencies.

06/22/2007: Chatham School District – 3 Board Members. The Director of Elections certified the application on 7/31/2007. The petition was certified by the Director on 9/13/2007 following verification of supplemental signatures filed by the recall committee on 9/6/2007. On 9/17/2007 the Lt. Governor called a special election to be held on 11/20/2007. The Election was certified on 12/6/2007. The voters approved the recall by a vote of (Yes 173) to (No 67), (Yes 178) to (No 61), and (Yes 174) to (No 64).

10/11/2005 & 12/14/2005: Alaska Gateway School District – 3 Board Members. Following review by the Department of Law (1/17/2006), the Director of Elections denied the application due to insufficient grounds.

08/04/2005: Senator Ben Stevens, Senate District N. Following review by the Department of Law (9/7/2005), the Director of Elections denied the application due to insufficient grounds.

02/17/2004: Senator Scott Ogan, Senate District H. Following review by the Department of Law (4/8/2004), the Director of Elections certified the application on 4/9/2004. On 8/25/2004 Senator Ogan resigned from his senate seat. The Director of Elections certified the recall petition on 8/26/2004. However, due to the vacancy created on 8/25/2004 following the resignation of Senator Ogan, the recall effort was not completed.

08/07/1996: Yukon-Loyukuk School District – Board Member. Following review by the Department of Law (9/25/1996), the Director of Elections denied the application due to insufficiencies within the application.

12/31/1997: Yukon Flats School District – Board Member. Following review by the Department of Law (2/25/1998), the Director of Elections denied the application due to insufficiencies within the application.

06/29/1992 and 06/30/1992: Governor Walter Hickel and Lt. Governor Jack Coghill. Following the review by the Department of Law (8/24/1992), the Director of Elections certified the application on 8/26/1992 against the advice of outside counsel. Lawsuits were filed in the Juneau and Fairbanks Superior Court on 8/27/1992 and 9/25/1992. On 9/5/1992, the court instructed the director to cease petition activity. On 9/14/1993, the Fairbanks Superior Court determined that certain grounds for recall were legally sufficient and other grounds were not. The recall attempt was not completed.

03/13/1986: Delta-Greely School – 4 Board Members. The Director of Elections certified the application on 3/27/1986. Three of the four petitions were certified by the Director on 5/5/1986. The fourth petition was denied due to insufficient signatures. An election was scheduled for July 15, 1986. However, the election was enjoined according to a lawsuit filed in the third judicial district in Anchorage.

