

cation for such services shall be submitted upon prescribed forms to the superintendent of schools where one is available, or to the supervisor of special education for investigation of the need for such services. If after investigation, there is satisfaction that the need exists, the supervisor of special education shall approve employment by the local school district of a teacher certified by the supervisor of special education to give instruction to those children hospitalized or homebound, in accordance with prescribed rules and regulations.

Sec. 16. Reimbursement for Hospitalized or Homebound Children. Those schools which may now or shall hereafter provide instructional services for exceptional children who are hospitalized or homebound, and which have agreed to expend an amount equal to their annual normal per capita cost for the instruction of such children, shall receive reimbursement up to a maximum of five (5) hours per week, based on the hourly cost of instruction in regular classroom programs provided by said district but not to exceed thirty-six (36) weeks per school year.

Sec. 17. Application for Enrollment. The parents or guardians, of any exceptional child residing in such district or districts, shall make application upon

prescribed form for the enrollment of such child to the local superintendent of schools, where one is available, or to the supervisor of special education. Such child shall thereupon undergo physical and psychological examination by accredited personnel for the purpose of determining whether or not he is capable of receiving benefit from participations in such a special educational program, and if determined eligible and capable of receiving the indicated benefits, and upon approval of application by the supervisor of special education, shall thereupon be recommended for enrollment.

Sec. 18. When Not Required to Enroll. No handicapped child as defined in Sec. 2 of this Act shall be required to enroll in any special education program if the parent or guardian of such child shall certify to the satisfaction of the board of education of the district therein such child resides, that such child is receiving adequate educational advantages. A child shall be excused from the compulsory education requirements if a physician shall certify in writing that the child's bodily, mental or emotional condition does not permit its attendance at school.

Sec. 19. Effective Date. This Act shall take effect immediately upon its passage and approval, or upon its becoming law without such approval.

Approved April 27, 1959

CHAPTER 121

AN ACT

To prescribe the procedure and grounds for the recall of elected public officials of the incorporated municipalities within the state; repealing Ch. 90, SLA 1949, as amended by Ch. 60, SLA 1951, and Ch. 126, SLA 1955; and providing for an effective date.

(C.S.S.B. 28)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Recall of Municipal Officers. Any elected public official of an incorporated municipality within the state, except a judicial officer, may be recalled at any time subsequent to six months after assuming office, by the voters of such municipality by following the recall procedure set forth in this Act.

Sec. 2. Same: Grounds. Grounds for the recall of municipal officers subject thereto shall include malfeasance, misfeasance or nonfeasance in office, failure to uphold one's oath of office, dishonest practices, and incompetency.

Sec. 3. Petition: Filing: Signatures Required: Statement of Grounds. A petition demanding the election of a successor to the person sought to be re-

called shall be filed with the municipal clerk. The petition shall be signed by qualified voters equal in number to at least twenty-five per cent of the entire vote cast in the municipality at the last gubernatorial election. The petition shall contain a statement of the grounds on which the recall is sought, which statement is intended solely for the information of the electors.

Sec. 4. Same: Defects in Form and Substance. Any insufficiency of form or substance in the statement of grounds for the recall shall in no wise affect the validity of the proceedings and the election.

Sec. 5. Same: Separate Papers: Headings: Statement of Reasons: Signatures with Residences and Dates: Affidavit. The signatures to the petition need not all be appended to one paper, but may be in sections. The statement of grounds for the recall shall appear at the head of each separate section of the petition, and shall be followed by the signature, legal residence, and date of signing of each petitioner written by the petitioner in ink or indelible pencil and by the affidavit of the person in charge of the section that the signatures have all been made in his presence by the persons whose names they purport to be, and are legal signatures to the best of his belief.

Sec. 6. Same: Time for Filing. The petition shall be filed within sixty days after the date of the earliest signature thereon.

Sec. 7. Same: Examination for Sufficiency of Signatures; Certification. Within ten days from the date of filing a recall petition, the municipal clerk shall examine it and ascertain whether or not the petition is signed by the requisite number of qualified voters. He shall attach to the petition his certificate showing the result of his examination. He shall give notice to the person who filed the petition of the sufficiency or insufficiency of the signatures.

Sec. 8. Same: Supplemental Petition If Insufficient: Time: Forms. If by the clerk's certificate a recall petition is shown to be insufficient, it may be supplemented within ten days from the date of the certificate by the filing of addi-

tional papers, duplicates of the original petition except as to the names signed.

Sec. 9. Same: Examination of Supplemental Petition: Insufficiency: Preservation as Records. The clerk shall, within ten days after supplementary papers are filed, make an examination of the supplementary petition similar to his examination of the original recall petition. If his certificate shows that all the names to the recall petition, including the supplementary papers, are still insufficient, action shall not be taken on it, but the petition shall remain on file as a public record.

Sec. 10. Same: New Petitions. The failure to secure sufficient names shall not prejudice the filing later of an entirely new recall petition to the same effect.

Sec. 11. Same: Assistants in Examining. The council shall allow the clerk, if he so requests, extra help to examine recall petitions and supplements.

Sec. 12. Same: Substitute for Clerk If Recalled. If the clerk is the officer sought to be recalled, the duties provided by this Act to be performed by him shall be performed by some other person designated by the council for that purpose.

Sec. 13. Same: Submission to Council. If a recall petition, together with supplementary petitions, if any, is sufficient, the clerk shall submit it to the council without delay.

Sec. 14. Same: Special Election: Time. When the clerk submits a sufficient recall petition to the council it shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after submission of the petition by the clerk.

Sec. 15. Same: Submission at Regular Election. If a regular municipal election is to occur within sixty days from the date of the submission to the council of a recall petition, the council may submit the recall at that regular municipal election.

Sec. 16. Vacancy Pending Recall. If a vacancy occurs in the office after a recall petition is filed, the election shall nevertheless proceed as in this Act pro-

vided.

Sec. 17. Several Officers in One Petition and Election. One petition is sufficient to propose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials.

Sec. 18. Nominations for Successors: Petitions: Applicable Laws: Nonpartisan. Nominations for any office under a recall election shall be made in the manner prescribed by the charter of the city, if any, for the nomination of candidates for all elective officers before elections. In the absence of charter provisions the nominations shall be made by filing a declaration of candidacy in the manner prescribed for election to offices of municipalities.

Sec. 19. Recall Ballots: Statement of Reasons and Answer Thereto. Upon the ballot there shall be printed in not more than two hundred words, the grounds set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words, the officer may justify his course in office.

Sec. 20. Same: Statement of Proposal: Voting Spaces. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines with a blank space at the right of each, in which the voter shall indicate his vote for or against the recall.

Sec. 21. Same: Names of Candidates for Succession: Votes to Be Counted. On recall ballots, under each question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he is removed from office by the recall election. A vote shall not be counted for any candidate for any office unless the voter also voted on the question of the recall of the person sought

to be recalled from that office.

Sec. 22. Same: Name of Recall Person Excluded. The name of the person against whom a recall petition is filed shall not appear on the ballot as a candidate for the office.

Sec. 23. Majority Required. If a majority or exactly half of those voting on the question of the recall of any incumbent from office vote "No" the incumbent shall continue in office. If a majority vote "Yes" the incumbent is removed from the office, upon the qualification of his successor.

Sec. 24. Canvass and Declaration of Result. The canvassers shall canvass all votes for candidates for the office and declare the result in like manner as in a regular election.

Sec. 25. Successor Elected: Declaration. If the vote at any recall election recalls the officer, then the candidate who has received the highest number of votes for the office shall be declared elected for the remainder of the term.

Sec. 26. Same: Vacancy by Failure to Qualify: Time. If the person who received the highest number of votes at a recall election fails to qualify within ten days after receiving the certificate of election, the office is vacant and shall be filled according to law.

Sec. 27. Disqualification of Recalled Person for Office. A person who has been recalled, or who has resigned from office while recall proceedings were pending against him, shall not be appointed to any office within one year after his resignation or recall.

Sec. 28. Term of Successor. The successor of any officer recalled shall hold office during the unexpired term of his predecessor subject to removal under the provisions of this Act.

Sec. 29. Repeal. Ch. 90, SLA 1949, as amended by Ch. 60, SLA 1951, and Ch. 126, SLA 1955, is hereby repealed.

Sec. 30. Effective Date. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved April 27, 1959