

CS FOR HOUSE BILL NO. 414(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/12/04

Referred: Judiciary

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to filling the vacancy in the office of United States senator, and to the**
2 **definition of 'political party.'"**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 LEGISLATIVE INTENT. It is the desire of this legislature that the provisions of secs.
7 2 - 7 and 9 of this Act, which are substantially similar to those proposed in an initiative
8 petition, not be repealed for at least two years after the Act's effective date.

9 * **Sec. 2.** AS 15.40.140 is amended to read:

10 **Sec. 15.40.140. Condition and time of calling special election.** When a
11 vacancy occurs in the office of United States senator or United States representative,
12 the governor shall, by proclamation, call a special election to be held on a date not less
13 than 60, nor more than 90, days after the date the vacancy occurs. However, if the
14 vacancy occurs on a date that is less than 60 days before or is on or after the date of

1 the primary election in the general election year during which a candidate to fill the
 2 office is regularly elected [YEARS], the governor may not call a special election.

3 * **Sec. 3.** AS 15.40 is amended by adding a new section to read:

4 **Sec. 15.40.165. Term of elected senator.** At the special election, a United
 5 States senator shall be elected to fill the remainder of the unexpired term. The person
 6 elected shall take office on the date the United States Senate meets, convenes, or
 7 reconvenes following the certification of the results of the special election by the
 8 director.

9 * **Sec. 4.** AS 15.40.200 is amended to read:

10 **Sec. 15.40.200. Requirements of party petition.** Petitions for the
 11 nomination of candidates of political parties shall state in substance that the party
 12 desires and intends to support the named candidate for the office of United States
 13 senator or United States representative, as appropriate, at the special election and
 14 requests that the name of the candidate nominated be placed on the ballot.

15 * **Sec. 5.** AS 15.40.220 is amended to read:

16 **Sec. 15.40.220. General provisions for conduct of special election.** Unless
 17 specifically provided otherwise, all provisions regarding the conduct of the general
 18 election shall govern the conduct of the special election of the United States senator
 19 or United States representative, including [, BUT NOT LIMITED TO,] provisions
 20 concerning voter qualifications; provisions regarding the duties, powers, rights,
 21 and obligations of the director, of other election officials, and of municipalities;
 22 provision for notification of the election; provision for payment of election
 23 expenses; provisions regarding employees being allowed time from work to vote;
 24 provisions for the counting, reviewing, and certification of returns; provisions for
 25 the determination of the votes and of recounts, contests, and appeal; and
 26 provision for absentee voting [SPECIFICALLY REFERRED TO IN AS 15.40.130].

27 * **Sec. 6.** AS 15.40.310 is amended to read:

28 **Sec. 15.40.310. General provisions for conduct of special election.** Unless
 29 specifically provided otherwise, all provisions regarding the conduct of the general
 30 election shall govern the conduct of the special election of the governor and lieutenant
 31 governor, including [, BUT NOT LIMITED TO,] provisions concerning voter

1 qualifications; provisions regarding the duties, powers, rights, and obligations of
 2 the director, of other election officials, and of municipalities; provision for
 3 notification of the election; provision for payment of election expenses; provisions
 4 regarding employees being allowed time from work to vote; provisions for the
 5 counting, reviewing, and certification of returns; provisions for the
 6 determination of the votes and of recounts, contests, and appeal; and provision
 7 for absentee voting [SPECIFICALLY REFERRED TO IN AS 15.40.130].

8 * Sec. 7. AS 15.40.470 is amended to read:

9 **Sec. 15.40.470. General provision for conduct of special election.** Unless
 10 specifically provided otherwise, all provisions regarding the conduct of the general
 11 election shall govern the conduct of the special election of state senators, including [,
 12 BUT NOT LIMITED TO, THE] provisions concerning voter qualifications;
 13 provisions regarding the duties, powers, rights, and obligations of the director, of
 14 other election officials, and of municipalities; provision for notification of the
 15 election; provision for payment of election expenses; provisions regarding
 16 employees being allowed time from work to vote; provisions for the counting,
 17 reviewing, and certification of returns; provisions for the determination of the
 18 votes and of recounts, contests, and appeal; and provision for absentee voting
 19 [SPECIFICALLY REFERRED TO IN AS 15.40.130].

20 * Sec. 8. AS 15.60.010(21) is amended to read:

21 (21) "political party" means an organized group of voters that
 22 represents a political program and that

23 **(A)** [EITHER] nominated a candidate for governor who
 24 received at least three percent of the total votes cast for governor at the
 25 preceding general election at which a governor was elected;

26 **(B)** nominated a candidate for United States senator who
 27 received at least three percent of the total votes cast for United States
 28 senator at the preceding general election or at the most recent general
 29 election at which a governor was elected;

30 **(C)** nominated a candidate for United States representative
 31 who received at least three percent of the total votes cast for United States

1 representative at the preceding general election or at the most recent
2 general election at which a governor was elected; or

3 (D) has registered voters in the state equal in number to at least
4 three percent of the total votes cast for governor at the preceding general
5 election at which a governor was elected;

6 * **Sec. 9.** AS 15.40.010, 15.40.050, 15.40.060, 15.40.070, 15.40.075, 15.40.130, and
7 15.40.135 are repealed.