

**SENATE CS FOR CS FOR HOUSE BILL NO. 414(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/19/04

Referred: Rules

Sponsor(s): HOUSE JUDICIARY COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to filling a vacancy in the office of United States senator, and to the  
2 definition of 'political party'; and providing for an effective date."

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

4 \* **Section 1.** AS 15.40.140 is amended to read:

5 **Sec. 15.40.140. Condition and time of calling special election.** When a  
6 vacancy occurs in the office of United States senator or United States representative,  
7 the governor shall, by proclamation, call a special election to be held on a date not less  
8 than 60, nor more than 90, days after the date the vacancy occurs. However, if the  
9 vacancy occurs on a date that is less than 60 days before or is on or after the date of  
10 the primary election in the general election year during which a candidate to fill the  
11 office is regularly elected [YEARS], the governor may not call a special election.

12 \* **Sec. 2.** AS 15.40 is amended by adding a new section to read:

13 **Sec. 15.40.165. Term of elected senator.** At the special election, a United  
14 States senator shall be elected to fill the remainder of the unexpired term. The person

1 elected shall take office on the date the United States Senate meets, convenes, or  
 2 reconvenes following the certification of the results of the special election by the  
 3 director.

4 \* **Sec. 3.** AS 15.40.200 is amended to read:

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

10 \* **Sec. 4.** AS 15.40.220 is amended to read:

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

22 \* **Sec. 5.** AS 15.40.310 is amended to read:

23 **Sec. 15.40.310. General provisions for conduct of special election.** Unless  
 24 specifically provided otherwise, all provisions regarding the conduct of the general  
 25 election shall govern the conduct of the special election of the governor and lieutenant  
 26 governor, including [, BUT NOT LIMITED TO,] provisions **concerning voter**  
 27 **qualifications; provisions regarding the duties, powers, rights, and obligations of**  
 28 **the director, of other election officials, and of municipalities; provision for**  
 29 **notification of the election; provision for payment of election expenses; provisions**  
 30 **regarding employees being allowed time from work to vote; provisions for the**  
 31 **counting, reviewing, and certification of returns; provisions for the**

1 **determination of the votes and of recounts, contests, and appeal; and provision**  
 2 **for absentee voting** [SPECIFICALLY REFERRED TO IN AS 15.40.130].

3 \* Sec. 6. AS 15.40.470 is amended to read:

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

15 \* Sec. 7. AS 15.60.010(21) is amended to read:

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

18 **(A)** that [EITHER] nominated a candidate for governor who  
 19 received at least three percent of the total votes cast for governor at the  
 20 preceding general election or has registered voters in the state equal in number  
 21 to at least three percent of the total votes cast for governor at the preceding  
 22 general election;

23 **(B) if the office of governor was not on the ballot at the**  
 24 **preceding general election but the office of United States senator was on**  
 25 **that ballot, that nominated a candidate for United States senator who**  
 26 **received at least three percent of the total votes cast for United States**  
 27 **senator at that general election or has registered voters in the state equal**  
 28 **in number to at least three percent of the total votes cast for United States**  
 29 **senator at that general election; or**

30 **(C) if neither the office of governor nor the office of United**  
 31 **States senator was on the ballot at the preceding general election, that**

1            **nominated a candidate for United States representative who received at**  
2            **least three percent of the total votes cast for United States representative**  
3            **at that general election or has registered voters in the state equal in**  
4            **number to at least three percent of the total votes cast for United States**  
5            **representative at that general election;**

6            \* **Sec. 8.** 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.

8            \* **Sec. 9.** Section 7 of this Act takes effect November 3, 2004.