

**CONFERENCE CS FOR HOUSE BILL NO. 414**  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE CONFERENCE COMMITTEE

Offered: 5/8/04

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.** 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 - 8 and 10 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 8 petition, not be repealed for at least two years after the Act's effective date.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. 15.40.145. Temporary appointment of United States senator.** When a  
 5 vacancy occurs in the office of United States senator, the governor may, at least five  
 6 days after the date of the vacancy but within 30 days after the date of the vacancy,  
 7 appoint a qualified individual to fill the vacancy temporarily until the results of the  
 8 special election called to fill the vacancy are certified. If a special election is not  
 9 called for the reasons set out in AS 15.40.140, the individual shall fill the vacancy  
 10 temporarily until the results of the next general election are certified.

11 \* **Sec. 4.** AS 15.40 is amended by adding a new section to read:

12 **Sec. 15.40.165. Term of elected senator.** At the special election, a United  
 13 States senator shall be elected to fill the remainder of the unexpired term. The person  
 14 elected shall take office on the date the United States Senate meets, convenes, or  
 15 reconvenes following the certification of the results of the special election by the  
 16 director.

17 \* **Sec. 5.** AS 15.40.200 is amended to read:

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

23 \* **Sec. 6.** AS 15.40.220 is amended to read:

24 **Sec. 15.40.220. General provisions for conduct of special election.** Unless  
 25 specifically provided otherwise, all provisions regarding the conduct of the general  
 26 election shall govern the conduct of the special election of the United States senator  
 27 or United States representative, including [, BUT NOT LIMITED TO,] provisions  
 28 concerning voter qualifications; provisions regarding the duties, powers, rights,  
 29 and obligations of the director, of other election officials, and of municipalities;  
 30 provision for notification of the election; provision for payment of election  
 31 expenses; provisions regarding employees being allowed time from work to vote;

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

4 \* Sec. 7. AS 15.40.310 is amended to read:

5 **Sec. 15.40.310. General provisions for conduct of special election.** Unless  
 6 specifically provided otherwise, all provisions regarding the conduct of the general  
 7 election shall govern the conduct of the special election of the governor and lieutenant  
 8 governor, including [, BUT NOT LIMITED TO,] provisions **concerning voter**  
 9 **qualifications; provisions regarding the duties, powers, rights, and obligations of**  
 10 **the director, of other election officials, and of municipalities; provision for**  
 11 **notification of the election; provision for payment of election expenses; provisions**  
 12 **regarding employees being allowed time from work to vote; provisions for the**  
 13 **counting, reviewing, and certification of returns; provisions for the**  
 14 **determination of the votes and of recounts, contests, and appeal; and provision**  
 15 **for absentee voting** [SPECIFICALLY REFERRED TO IN AS 15.40.130].

16 \* Sec. 8. AS 15.40.470 is amended to read:

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

28 \* Sec. 9. AS 15.60.010(21) is amended to read:

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

31 **(A)** that [EITHER] nominated a candidate for governor who

1 received at least three percent of the total votes cast for governor at the  
2 preceding general election or has registered voters in the state equal in number  
3 to at least three percent of the total votes cast for governor at the preceding  
4 general election;

5 **(B) if the office of governor was not on the ballot at the**  
6 **preceding general election but the office of United States senator was on**  
7 **that ballot, that nominated a candidate for United States senator who**  
8 **received at least three percent of the total votes cast for United States**  
9 **senator at that general election or has registered voters in the state equal**  
10 **in number to at least three percent of the total votes cast for United States**  
11 **senator at that general election; or**

12 **(C) if neither the office of governor nor the office of United**  
13 **States senator was on the ballot at the preceding general election, that**  
14 **nominated a candidate for United States representative who received at**  
15 **least three percent of the total votes cast for United States representative**  
16 **at that general election or has registered voters in the state equal in**  
17 **number to at least three percent of the total votes cast for United States**  
18 **representative at that general election;**

19 \* **Sec. 10.** AS 15.40.010, 15.40.050, 15.40.060, 15.40.070, 15.40.075, 15.40.130, and  
20 15.40.135 are repealed.

21 \* **Sec. 11.** Section 9 of this Act takes effect November 3, 2004.