

**HOUSE BILL NO. 130**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE HARRIS**

**Introduced: 2/14/07**

**Referred: State Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act prohibiting a state legislator, the governor, and the lieutenant governor from**  
2 **retaining office if the person runs for a different state or federal office and a part of the**  
3 **term of the different office runs concurrently with that of the office held; and providing**  
4 **for an effective date."**

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

6 **\* Section 1.** AS 15.25.030(a) is amended to read:

7 (a) A member of a political party who seeks to become a candidate of the  
8 party in the primary election shall execute and file a declaration of candidacy. The  
9 declaration shall be executed under oath before an officer authorized to take  
10 acknowledgments and must state in substance

11 (1) the full name of the candidate;

12 (2) the full mailing address of the candidate;

13 (3) if the candidacy is for the office of state senator or state  
14 representative, the house or senate district of which the candidate is a resident;

- 1 (4) the office for which the candidate seeks nomination;
- 2 (5) the name of the political party of which the person is a candidate  
3 for nomination;
- 4 (6) the full residence address of the candidate, and the date on which  
5 residency at that address began;
- 6 (7) the date of the primary election at which the candidate seeks  
7 nomination;
- 8 (8) the length of residency in the state and in the district of the  
9 candidate;
- 10 (9) that the candidate will meet the specific citizenship requirements of  
11 the office for which the person is a candidate;
- 12 (10) that the candidate is a qualified voter as required by law;
- 13 (11) that the candidate will meet the specific age requirements of the  
14 office for which the person is a candidate; if the candidacy is for the office of state  
15 representative, that the candidate will be at least 21 years of age on the first scheduled  
16 day of the first regular session of the legislature convened after the election; if the  
17 candidacy is for the office of state senator, that the candidate will be at least 25 years  
18 of age on the first scheduled day of the first regular session of the legislature convened  
19 after the election; if the candidacy is for the office of governor or lieutenant governor,  
20 that the candidate will be at least 30 years of age on the first Monday in December  
21 following election or, if the office is to be filled by special election under  
22 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the  
23 date of certification of the results of the special election; or, for any other office, by  
24 the time that the candidate, if elected, is sworn into office;
- 25 (12) that the candidate requests that the candidate's name be placed on  
26 the primary election ballot;
- 27 (13) that the required fee accompanies the declaration;
- 28 (14) that the person is not a candidate for any other office to be voted  
29 on at the primary or general election and that the person is not a candidate for this  
30 office under any other declaration of candidacy or nominating petition;
- 31 (15) the manner in which the candidate wishes the candidate's name to

1 appear on the ballot; [AND]

2 (16) that the candidate is registered to vote as a member of the political  
3 party whose nomination is being sought; **and**

4 **(17) that the candidate has complied with AS 24.05.045 or**  
5 **AS 44.19.038, if applicable, before seeking the office.**

6 \* **Sec. 2.** AS 15.25.105(a) is amended to read:

7 (a) If a candidate does not appear on the primary election ballot or is not  
8 successful in advancing to the general election and wishes to be a candidate in the  
9 general election, the candidate may file as a write-in candidate. Votes for a write-in  
10 candidate may not be counted unless that candidate has filed a letter of intent with the  
11 director stating

12 (1) the full name of the candidate;

13 (2) the full residence address of the candidate and the date on which  
14 residency at that address began;

15 (3) the full mailing address of the candidate;

16 (4) the name of the political party or political group of which the  
17 candidate is a member, if any;

18 (5) if the candidate is for the office of state senator or state  
19 representative, the house or senate district of which the candidate is a resident;

20 (6) the office that the candidate seeks;

21 (7) the date of the election at which the candidate seeks election;

22 (8) the length of residency in the state and in the house district of the  
23 candidate;

24 (9) the name of the candidate as the candidate wishes it to be written  
25 on the ballot by the voter;

26 (10) that the candidate meets the specific citizenship requirements of  
27 the office for which the person is a candidate;

28 (11) that the candidate will meet the specific age requirements of the  
29 office for which the person is a candidate; if the candidacy is for the office of state  
30 representative, that the candidate will be at least 21 years of age on the first scheduled  
31 day of the first regular session of the legislature convened after the election; if the

1 candidacy is for the office of state senator, that the candidate will be at least 25 years  
 2 of age on the first scheduled day of the first regular session of the legislature convened  
 3 after the election; if the candidacy is for the office of governor or lieutenant governor,  
 4 that the candidate will be at least 30 years of age on the first Monday in December  
 5 following election or, if the office is to be filled by special election under  
 6 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the  
 7 date of certification of the results of the special election; or, for any other office, by  
 8 the time that the candidate, if elected, is sworn into office;

9 (12) that the candidate is a qualified voter as required by law; [AND]

10 (13) that the candidate is not a candidate for any other office to be  
 11 voted on at the general election and that the candidate is not a candidate for this office  
 12 under any other nominating petition or declaration of candidacy; **and**

13 **(14) that the candidate has complied with AS 24.05.45 or**  
 14 **AS 44.19.038, if applicable, before seeking the office.**

15 \* **Sec. 3.** AS 15.25.180(a) is amended to read:

16 (a) The petition must state in substance

17 (1) the full name of the candidate;

18 (2) the full residence address of the candidate and the date on which  
 19 residency at that address began;

20 (3) the full mailing address of the candidate;

21 (4) the name of the political group, if any, supporting the candidate;

22 (5) if the candidacy is for the office of state senator or state  
 23 representative, the house or senate district of which the candidate is a resident;

24 (6) the office for which the candidate is nominated;

25 (7) the date of the election at which the candidate seeks election;

26 (8) the length of residency in the state and in the district of the  
 27 candidate;

28 (9) that the subscribers are qualified voters of the state or house or  
 29 senate district in which the candidate resides;

30 (10) that the subscribers request that the candidate's name be placed on  
 31 the general election ballot;

1 (11) that the proposed candidate accepts the nomination and will serve  
2 if elected, with the statement signed by the proposed candidate;

3 (12) the name of the candidate as the candidate wishes it to appear on  
4 the ballot;

5 (13) that the candidate is not a candidate for any other office to be  
6 voted on at the primary or general election and that the candidate is not a candidate for  
7 this office under any other nominating petition or declaration of candidacy;

8 (14) that the candidate meets the specific citizenship requirements of  
9 the office for which the person is a candidate;

10 (15) that the candidate will meet the specific age requirements of the  
11 office for which the person is a candidate; if the candidacy is for the office of state  
12 representative, that the candidate will be at least 21 years of age on the first scheduled  
13 day of the first regular session of the legislature convened after the election; if the  
14 candidacy is for the office of state senator, that the candidate will be at least 25 years  
15 of age on the first scheduled day of the first regular session of the legislature convened  
16 after the election; and if the candidacy is for the office of governor or lieutenant  
17 governor, that the candidate will be at least 30 years of age on the first Monday in  
18 December following election or, if the office is to be filled by special election under  
19 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the  
20 date of certification of the results of the special election; or, for any other office, by  
21 the time that the candidate, if elected, is sworn into office;

22 (16) that the candidate is a qualified voter; [AND]

23 (17) if the candidacy is for the office of the governor, the name of the  
24 candidate for lieutenant governor running jointly with the candidate for governor; **and**

25 **(18) that the candidate has complied with AS 24.05.045 or**  
26 **AS 44.19.038, if applicable, before seeking the office.**

27 \* **Sec. 4.** AS 24.05 is amended by adding a new section to read:

28 **Sec. 24.05.045. Restrictions on holding office.** (a) If a legislator who is not in  
29 the legislator's final year of office files under AS 15.25 as a candidate for a state or  
30 federal public office part of the term of which runs concurrently with the legislator's  
31 term of office, the legislator shall resign from the office the legislator holds on the date

1 of the filing. The resignation shall be submitted in writing before the legislator files for  
2 the other office under AS 15.25.

3 (b) A resignation under this section is irrevocable.

4 \* **Sec. 5.** AS 44.19 is amended by adding a new section to article 1 to read:

5 **Sec. 44.19.038. Restrictions on holding office.** (a) If a governor or lieutenant  
6 governor who is not in the governor's or lieutenant governor's final year of office files  
7 under AS 15.25 as a candidate for a state or federal public office, and a part of the  
8 term of the office sought runs concurrently with the governor's or lieutenant governor's  
9 term of office, the governor or lieutenant governor shall resign from the office the  
10 governor or lieutenant governor holds on the date of the filing. The resignation shall  
11 be submitted in writing before the governor or lieutenant governor files for the other  
12 office under AS 15.25.

13 (b) A resignation under this section is irrevocable.

14 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).