

HOUSE BILL NO. 47

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES OLSON AND KERTTULA

Introduced: 1/20/09

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring a special election to resolve tie votes for the offices of state senator
2 and state representative; and providing for an effective date."

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

4 * **Section 1.** AS 15.20.530 is amended to read:

5 **Sec. 15.20.530. Determination of tie votes.** Except as provided in (b) of this
6 section, if [IF] after a recount and appeal, two or more candidates tie in having the
7 highest number of votes for the same office, the director shall notify the candidates
8 who are tied. The director shall notify the candidates of a reasonably suitable time and
9 place to determine the successful candidate by lot. After the determination has been
10 made by lot, the director shall so certify.

11 * **Sec. 2.** AS 15.20.530 is amended by adding a new subsection to read:

12 (b) If, after a recount, two or more candidates for state senator or state
13 representative tie in having the highest number of votes for the same office, the
14 director shall call a special election to be held on the later of

- 1 (1) the 21st day after completion of the recount;
- 2 (2) the 21st day after the supreme court issues a judgment on an appeal
- 3 if an appeal has been filed under AS 15.20.510; or
- 4 (3) the 21st day after the resolution of an appeal as certified by the
- 5 presiding officer of the body in which the appeal was filed if an appeal has been filed
- 6 under AS 15.20.520.

7 * **Sec. 3.** AS 15.20.560 is amended to read:

8 **Sec. 15.20.560. Judgment of court.** The judge shall pronounce judgment on

9 which candidate was elected or nominated and whether the question or proposition

10 was accepted or rejected. The director shall issue a new election certificate to correctly

11 reflect the judgment of the court. If the court decides that the election resulted in a tie

12 vote, the director shall immediately proceed to determine the election by lot as is

13 provided by law, **unless the election was for the office of state senator or state**

14 **representative, in which case the director shall call a special election to be held on**

15 **the 21st day after the court's judgment.** If the court decides that no candidate was

16 duly elected or nominated, the judgment shall be that the contested election be set

17 aside. The provisions of this section and AS 15.20.540 and 15.20.550 are not intended

18 to limit or interfere with the power of the legislature to judge the election and

19 qualifications of its members.

20 * **Sec. 4.** This Act takes effect July 1, 2009.