

1 IN THE HOUSE

BY COMMITTEE ON TERRITORIAL
SUB-DIVISIONS

2 HOUSE BILL NO. 174

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the recall of public
7 utility district officials elected for a
8 term of office exceeding one year; and
9 declaring an emergency."

10 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

11 Section 1. OFFICIALS SUBJECT TO RECALL. Every official of
12 a public utility district elected for a term of office for more
13 than one year is subject, as herein provided, to recall for mal-
14 feasance, misfeasance, or nonfeasance in office by the voters of
15 the district in which elected, however, no such official shall be
16 subject to a recall until he has served at least nine months of
17 his term of office.

18 Sec. 2. PROVISIONS FOR RECALL. A petition of legal voters
19 equal in number to twenty-five per cent of the number of persons
20 voting in the election wherein the official was elected may be
21 filed with the judge of the district court presiding in the
22 judicial division in which the public utility district is located
23 for the purpose of demanding a recall election. The recall
24 petition shall include the following information:

25 (a) A full statement listing the reason or reasons for
26 the recall.

27 (b) Each signator shall sign the petition under oath
28 that he (or she) is a legal and qualified voter in the public
29 utility district, and that he (or she), to the best of his (or

1 her) knowledge and belief declares the statement set forth in the
2 petition for recall is true and correct.

3 Sec. 3. CIRCULATION OF PETITION. No elected official of the
4 public utility district or employee of the district shall sign or
5 circulate any such petition, and if any such disqualified person
6 shall sign such petition, his (or her) name shall not be counted
7 thereon, and if any such disqualified person shall circulate such
8 a petition any election held by reason of the filing of such
9 petition may be declared void by the district court, but shall not
10 be deemed invalid unless so declared.

11 Sec. 4. WHEN RECALL ELECTIONS MAY BE HELD. The district
12 judge shall within ten days after receipt of a recall petition,
13 complying with the provisions of this Act, cause a recall election
14 to be held by notifying the clerk of the board to hold such
15 election, however, any recall election must be held at least sixty
16 days prior to the next general district election. The procedure
17 governing bond elections (Sec. 49-2-24, ACLA, 1949) shall govern
18 the recall election and all expenses of such election shall be
19 paid by the public utility district.

20 Sec. 5. RECALL BALLOT. The recall ballot shall include the
21 following:

- 22 (a) Reason or reasons for recall.
23 (b) Full name of official petitioned for recall and the
24 office he holds.
25 (c) A square space inviting the voter to vote "for
26 recall", and a square space inviting the voter to vote "against
27 recall".

28 Sec. 6. NUMBER OF VOTES NECESSARY FOR RECALL. The votes
29 cast for recall must be in the majority of those voting at the

1 recall election and they must be not less than 65% majority of
2 the votes cast for such recall.

3 Sec. 7. FILLING VACANCY. The provisions of Sec. 49-2-10,
4 ACIA, 1949, shall prevail in filling a vacancy caused by such a
5 declaration of the district court as a result of a recall elec-
6 tion, provided that no person so recalled shall be eligible for
7 district office for two years after such declaration of recall
8 by the District Court.

9 Sec. 8. EMERGENCY CLAUSE. An emergency is hereby declared
10 to exist and this Act shall become effective immediately upon its
11 passage and approval, or upon its becoming law without such
12 approval.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30