

1 IN THE HOUSE

BY SENATE STATE AFFAIRS COMMITTEE

2 SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 5

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for succession to the  
7 offices of governor and secretary of  
8 state; and setting an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. The Legislature of the State of Alaska finds and  
11 declares it to be in the best interests of the people of Alaska  
12 that the offices of governor and secretary of state of Alaska,  
13 being the only elective offices of the executive branch of the  
14 government, should as nearly as possible be constantly occupied  
15 only by persons chosen by a majority of the voters of the State.  
16 When vacancies therein occur, there should be the least necessary  
17 interval until the voters may again choose persons for these  
18 offices and during which interval there should be the least  
19 necessary interruption in the continuity of administrative programs  
20 and activities of the State.

21 Sec. 2. The governor, following his initial assumption of  
22 office and thereafter as provided by this Act, shall appoint,  
23 from among the officers who head the principal departments of the  
24 state government or otherwise, a person to succeed to the office  
25 of secretary of state in the event that the office of secretary of  
26 state becomes vacant for any reason. The appointment of a person  
27 next in line to become secretary of state shall be subject to con-  
28 firmation by a majority of the members of the legislature meeting  
29 in joint session. The person so designated and confirmed shall

7  
1 remain the next in line for succession to the office of secretary  
2 of state, subject to the pleasure of the governor.

8       Sec. 3. If a vacancy occurs in the office of governor and  
4 the regularly elected secretary of state succeeds to the office  
5 of governor as provided by Article III, Section 11, of the  
6 Constitution of the State of Alaska and thus leaves a vacancy in  
7 the office of secretary of state, or if the office of secretary  
8 of state otherwise becomes vacant, the person designated as next  
9 successor to the office of secretary of state, as provided in Sec.  
10 2 of this Act, shall then succeed to the office of secretary of  
11 state for the remainder of the term vacated, or until a special  
12 election may be held as is otherwise specified in this Act. Upon  
18 succession to the office of secretary of state by a person  
14 appointed pursuant to Sec. 2 herein, the governor shall again  
15 appoint a person to succeed to the office of secretary of state in  
16 the event of a subsequent vacancy in such office.

17       Sec. 4. In the event the regularly elected secretary of  
18 state succeeds to the office of governor as provided in the  
19 Constitution of the State of Alaska and thereafter, during the  
20 same regular gubernatorial term, the office of governor again  
21 becomes vacant, the appointed secretary of state shall succeed to  
22 the office of acting governor for the interim until a special  
23 election to elect a governor and secretary of state shall be held,  
24 which election shall be held within not less than sixty nor more  
25 than ninety days after such vacancy occurs.

26       Sec. 5. If vacancies in the office of governor and the  
27 office of secretary of state occur simultaneously, the person  
28 appointed pursuant to Sec. 2 of this Act shall succeed directly to  
29 the office of acting governor until successors to the respective

1 offices are elected in a special election, which shall be held  
2 within not less than sixty nor more than ninety days after  
3 the occurrence of such vacancies in the same manner as otherwise  
4 provided in this Act.

5 Sec. 6. The laws of the State of Alaska governing elections  
6 for governor and secretary of state shall, to the extent applic-  
7 able, govern any special election for filling vacancies as  
8 required by this Act. The acting governor shall by proclamation  
9 fix the date of any special election held pursuant to this Act.

10 Sec. 7. Nominations for governor and secretary of state for  
11 a special election under this Act shall be made by political  
12 parties in the manner prescribed for filling post-primary  
13 nomination vacancies under Sec. 38-4-11, ACLA 1949, or as may be  
14 otherwise provided by law. The nomination of candidates shall be  
15 certified as required for other candidates for state office by the  
16 chairman and secretary of the central committee of each political  
17 party. Certification of candidates shall be made within twenty  
18 days after the vacancy occurs.

19 Sec. 8. Persons who do not represent a political party may  
20 become independent candidates for the office of governor, and for  
21 the office of secretary of state if joined with an independent  
22 candidate for governor, by filing applications in the manner  
23 provided in Sec. 38-5-10 ACLA 1949, to the extent applicable.  
24 Such applications shall be filed within 20 days after the vacancy  
25 occurs, as required for other candidates for state office.

26 Sec. 9. Immediately upon the certification, as provided by  
27 the law relating to elections, of the results of any special  
28 election held under the terms of this Act, the persons elected  
29 shall succeed to the offices of governor and secretary of state

1 as though they had been elected for regular terms. The terms of  
2 office of those so elected shall be the remainder of the regular  
3 terms of the vacated offices.

4 Sec. 10. If a vacancy requiring a special election hereunder  
5 occurs within not more than ninety but not less than sixty days  
6 preceding the time fixed for a primary election or a general  
7 election at which a governor is not regularly to be elected, the  
8 special election shall be held coincident with such primary or  
9 general election. If such vacancy occurs within ninety days  
10 preceding a general election at which a governor is regularly  
11 to be elected, no special election shall be held and the acting  
12 governor serving by virtue of his appointment under Sec. 2  
13 shall serve in the interim until the regularly elected successor  
14 assumes office.

15 Sec. 11. This Act shall become effective upon its passage  
16 and approval or upon its becoming law without such approval.