

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

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SENATE BILL NO. 56

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIRST LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act providing for the filling of

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vacancies in the legislature; repealing

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Section 38-8-3, ACLA 1949; and providing

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for an effective date."

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

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Section 1. FILLING VACANCIES IN THE LEGISLATURE. When a

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vacancy occurs in the legislature, whether the legislature is

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in session or recess, the vacancy shall within thirty days thereof

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be filled by appointment by the governor, subject to confirmation

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by a majority of the members of the legislature who are members

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of the same party and of the same house of the legislature as the

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person creating the vacancy. No person shall be eligible to

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appointment to such vacancy unless he is a member of the same

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party, a resident of the same election district as the person

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creating the vacancy, and is otherwise qualified as a candidate

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to such office. If the person creating the vacancy was not a

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member of a political party or was not nominated for the legis-

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lature by a political party or if no other member of his politi-

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cal party is a member of his house of the legislature, the

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appointment to fill such vacancy shall not be subject to confir-

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mation.

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Sec. 2. SAME: RECESS APPOINTMENTS. When an appointment

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to a vacancy in the legislature is made during a recess thereof,

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the person so appointed shall serve until his appointment is

1 either confirmed or rejected by the legislature in the manner
2 provided in Section 1 of this Act if such confirmation is re-
3 quired. If such appointment is confirmed the term of such
4 person shall be as prescribed in Sec. 4 of this Act.

5 Sec. 3. SAME: IMMEDIATELY BEFORE ELECTION. If a vacancy
6 in the legislature occurs within forty days of the date set for
7 a primary or general election, no appointment shall be made to
8 fill such vacancy, unless no candidate to fill such legislative
9 vacancy obtains a place on the official ballot in such primary
10 or general election in the district represented by the person
11 creating the vacancy, in which event the vacancy shall be filled
12 by appointment and confirmation in the manner provided in this
13 Act. In no event shall a person elected to fill a vacancy in
14 the legislature occurring within forty days of a primary or
15 general election serve for more than the unexpired portion of
16 the term, if any, of the person creating the vacancy, unless
17 subsequently elected at a general election for the full term.

18 Sec. 4. TERM OF OFFICE OF APPOINTEE TO LEGISLATURE. Any
19 person appointed and confirmed, if confirmation is required, to
20 fill a vacancy in the legislature, shall serve until the next
21 general election following his appointment. The remainder of
22 the unexpired term of the person creating the vacancy, if any,
23 shall be served by a person elected at such general election in
24 the manner provided for election to the legislature.

25 Sec. 5. REPEAL. Sec. 38-8-3, ACLA 1949, is hereby repealed.

26 Sec. 6. EFFECTIVE DATE. This Act shall take effect immedi-
27 ately upon its passage and approval or upon its becoming law
28 without such approval.

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