

Original sponsor: Peter

Offered: 3/24/66  
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 4

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to those persons who may  
7 be candidates in the primary or general  
8 election if the incumbent or the nominee  
9 dies, becomes disqualified or incapacitated  
10 or the nominee withdraws; and providing for  
11 an effective date."

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

13 \* Section 1. AS 15.15.360 is amended by adding a new para-  
14 graph to read:

15 (11) A write-in vote for a person whose candidacy  
16 for that office was rejected in a party primary election in  
17 the same year is invalid unless the party nominee for that  
18 office has died, withdrawn, become disqualified, or been  
19 certified as incapacitated before the general election. A  
20 write-in vote cast contrary to this rule does not invalidate  
21 the entire ballot.

22 \* Sec. 2. AS 15.25 is amended by adding a new section to read:

23 Sec. 15.25.056. NOMINATION BY PARTY PETITION WHERE  
24 INCUMBENT DIES OR IS DISQUALIFIED OR INCAPACITATED. (a)  
25 If an incumbent candidate for renomination dies, becomes  
26 disqualified from holding the office he is seeking, or is  
27 certified as being incapacitated between June 1 of the  
28 election year and that date which is 15 days before the  
29 date of the party primary nomination, his place on the

1 ballot may be filled by party petition. The petition shall  
2 state that the political party requests the name of the  
3 proposed candidate replace that of the incumbent on the  
4 primary nomination ballot and shall be accompanied by a  
5 declaration of candidacy from the person named in the peti-  
6 tion. The petition must be received by the secretary of  
7 state no later than 14 days after the death, disqualifica-  
8 tion or certification of incapacity of the incumbent or 10  
9 days before the party primary nomination date, whichever  
10 time is earlier.

11 (b) The method for certifying an incumbent candidate  
12 for nomination as being incapacitated, the method for select-  
13 ing the person who is to be named in the party petition, and  
14 the method for placing the name of the person selected on  
15 the primary nomination ballot are the same as those  
16 prescribed in secs. 110 and 130 of this chapter relating to  
17 filling vacancies of party nominees in a general election.

18 (c) If the death, disqualification or certification  
19 of incapacity of the incumbent candidate occurs within 10  
20 days before or on the party primary nomination date, his  
21 name shall remain on the ballot and the counting and can-  
22 vassing of the vote shall not be affected. If the result  
23 of the counting and canvassing discloses that the incumbent  
24 candidate received the largest number of votes, he shall be  
25 declared nominated. The vacancy may be filled by party  
26 petition as provided in secs. 110 - 130 of this chapter.

27 \* Sec. 3. This Act takes effect on the day after its passage  
28 and approval or on the day it becomes law without such approval.  
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