

BY CORNELIUS, ANDERSON, BANFIELD,
BEIRNE, BOARDMAN, BRONSON, ELIASON,
FINK, HAUGEN, HOLM, KAY, KERTTULA,
MCGILL, MCVEIGH, MOSES, ORBECK,
PAUKAN, RAY, REEVES, RETTIG, SACKETT,
SWEET, TILLION AND YOUNG

1 IN THE HOUSE

2 HOUSE BILL NO. 533

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to candidates for statewide elective
7 office; and providing for an effective date."

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

9 * Section 1. AS 24.05.040 is amended to read:

10 Sec. 24.05.040. DUAL OFFICE. No member of the legislature may
11 hold any other office or position of profit under the United States or
12 the state. During the term for which elected and for one year there-
13 after, no legislator may be nominated, elected or appointed to any
14 other office or position of profit which has been created, or the salary
15 or emoluments of which have been increased while he was a member. This
16 section does not prevent any person from seeking or holding the office
17 of governor, secretary of state, or member of Congress; however, a
18 legislator who files a declaration of candidacy or petition for nomina-
19 tion for the office of governor, secretary of state, or member of
20 Congress automatically resigns his seat in the legislature, effective
21 on the date of the general election for the office he is seeking.

22 This section does not apply to employment by or election to a constitu-
23 tional convention. A member may serve on or at the behest of an
24 interim committee of the legislature. An office of profit as used
25 in this section means an elective office on the state or federal levels
26 of government, the holder of which is entitled to a salary; a position
27 of profit means an appointive position on the state or federal levels
28 of government, the holder of which has the authority to make policy
29 and is entitled to a salary for his services. Employment as a "teacher"

1 as defined in AS 14.17.250(12) shall not be considered as holding an
2 office or position of profit.

3 * Sec. 2. AS 24.05.085 is amended to read:

4 Sec. 24.05.085. RESIGNATION. (a) A member resigns by submitting
5 his resignation in writing to the presiding officer of the house to
6 which he was elected or appointed, with information copies to the
7 governor and the executive director of the legislative council for
8 appropriate administrative action. The resignation is effective on the
9 date specified in the resignation or 10 days after the date of mailing
10 the resignation, whichever is later. The resignation may be withdrawn
11 during this period.

12 (b) When a member's resignation is automatic because he filed a
13 declaration of candidacy or petition for nomination for the office of
14 governor, secretary of state, or member of Congress, it is effective
15 on the date of the general election for the office he is seeking. The
16 resignation may not be withdrawn under any circumstances.

17 * Sec. 3. AS 15.25.040 is amended by adding a new subsection to read:

18 (d) When a member of the legislature files a declaration of
19 candidacy or petition for nomination for the office of governor,
20 secretary of state, or member of Congress and automatically resigns
21 his legislative seat, a declaration of candidacy for the seat vacated
22 shall be filed in the manner required by this section at or before
23 5:00 p.m., Alaska Standard time, July 1 of the year in which is held a
24 general election, the date of which is the effective date of the
25 automatic resignation. If July 1 is a Sunday or holiday, the declara-
26 tion may be filed no later than 5:00 p.m., Alaska Standard time on
27 the following day. When a declaration, which results in an automatic
28 resignation, is filed with the secretary of state, the secretary of
29 state shall immediately notify the appropriate clerk of the superior

1 court of the filing and the vacancy in the districtwide office created
2 as a result of the filing.

3 * Sec. 4. AS 15.25.150 is amended to read:

4 Sec. 15.25.150. DATE OF FILING PETITION. The petition is filed
5 with the secretary of state by actual physical delivery in person or
6 by mail before June 1 in the year in which a general election is held
7 for the office. However, when a member of the legislature files a
8 declaration of candidacy or petition for nomination for the office
9 of governor, secretary of state, or member of Congress and automatically
10 resigns his legislative seat, a petition of nomination for the seat
11 vacated shall be filed in the manner required by this section before
12 July 1 of the year in which is held a general election, the date of
13 which is the effective date of the automatic resignation. When a
14 petition, which results in an automatic resignation, is filed with the
15 secretary of state, the secretary of state shall immediately notify the
16 appropriate clerk of the superior court of the filing and the vacancy
17 in the districtwide office created as a result of the filing.

18 * Sec. 5. AS 15.40 is amended by adding a new section to read:

19 Sec. 15.40.480. EXCEPTION TO SECS. 320 - 470 OF THIS CHAPTER.
20 The provisions for the filling of a vacancy under secs. 320 - 470 of
21 this chapter do not apply to a vacancy created in the state legislature
22 because of the automatic resignation of a legislator resulting from
23 his filing a declaration of candidacy or petition for nomination for
24 statewide office.

25 * Sec. 6. This Act takes effect on the day after its passage and approval
26 or on the day it becomes law without approval.