

1 IN THE SENATE

BY LEWIS

2 SENATE BILL NO. 29

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the election of the commissioner  
7 of education; and providing for an effective date."

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

9 \* Section 1. AS 14.07.145 (a), (b) and (c) are repealed and re-enacted  
10 to read:

11 (a) The commissioner of education shall be nominated by the  
12 qualified voters of the state at the primary election and elected at  
13 the general election. However, if at the primary election a candidate  
14 for commissioner receives a majority of the votes cast for that office  
15 he shall be elected without a runoff held at the general election  
16 between the two candidates with the greatest number of votes at the  
17 primary election.

18 (b) The commissioner shall be elected without regard to political  
19 affiliation. The commissioner shall have at least a master's degree  
20 with five years' experience in the field of education since receiving  
21 it, with at least three of the five years in an exclusively administra-  
22 tive position.

23 (c) The commissioner shall be elected for a four-year term of  
24 office to coincide with that of the governor. He may be removed  
25 during his term of office by four members of the board for cause as  
26 defined in this section. If the commissioner is removed for cause  
27 during his term of office under this section, the board shall fill  
28 the vacancy thus created by appointment for the balance of the term of  
29 office of the commissioner who has been removed.

1 \* Sec. 2. AS 15.15.030 is amended by adding a new paragraph to read:

2 (14) A nonpartisan education ballot shall be designed for  
3 the office of commissioner of education. However, notwithstanding  
4 the provisions of paragraph (10) of this section, the office of  
5 commissioner of education may appear on the same nonpartisan ballot as  
6 that designed for judicial officers. No party affiliation may be  
7 designated after the name of candidate for commissioner of education.  
8 Provision shall be made for voting for write-in candidates both at  
9 the primary and general election. The squares appearing on the ballots  
10 shall measure one-fourth inch on each side. To the extent not in  
11 conflict with the provisions of this paragraph, the other provisions  
12 of this section relating to the preparation of ballots apply to the  
13 preparation of a ballot for the election of the commissioner of  
14 education.

15 \* Sec. 3. AS 15.20.510 is amended to read:

16 Sec. 15.20.510. PROVISION FOR APPEAL TO COURTS. A candidate or  
17 any person who requested a recount who has reason to believe an error  
18 has been made in the recount (1) involving any question or proposition  
19 or the validity of any ballot may appeal to the superior court in  
20 accordance with applicable court rules governing appeals in civil  
21 matters, and (2) involving candidates for the legislature or Congress  
22 or the office of governor and lieutenant governor or commissioner of  
23 education may appeal to the supreme court in accordance with rules as  
24 may be promulgated by the court. Appeal shall be filed within five  
25 days of the completion of the recount. Upon order of the court, the  
26 lieutenant governor shall furnish the record of the recount taken  
27 including all ballots, registers, and other election material and  
28 papers pertaining to the election contest. The appeal shall be  
29 heard by the court sitting without a jury. The inquiry in the appeal

1 shall extend to the questions whether or not the lieutenant governor  
2 has properly determined what ballots, parts of ballots, or marks for  
3 candidates on ballots are valid, and to which candidate or division  
4 on the question or proposition the vote shall be attributed. The  
5 court shall enter judgment either setting aside, modifying, or  
6 affirming the action of the lieutenant governor on recount.

7 \* Sec. 4. AS 15.25.030 is amended to read:

8       Sec. 15.25.030. DECLARATION OF CANDIDACY. A member of a  
9 political party who seeks to become a candidate of the party in the  
10 primary election, or a person who seeks to become a candidate for a  
11 nonpartisan office in the primary election, shall execute and file a  
12 declaration of candidacy. The declaration shall be executed under  
13 oath before an officer authorized to take acknowledgments and shall  
14 state in substance: (1) the full name of the candidate and the manner  
15 in which he wishes his name to appear on the ballot; (2) the full  
16 resident address of the candidate; (3) the full mailing address of the  
17 candidate; (4) if the candidacy is for the office of state senator  
18 or state representative, the election or senate district of which the  
19 candidate is a resident; (5) the office for which the candidate seeks  
20 nomination; (6) the name of the political party of which he is a  
21 candidate for nomination; (7) the date of the primary election at  
22 which the candidate declares himself to be a candidate; (8) that the  
23 candidate meets the specific residency requirements of the office for  
24 which he is a candidate; (9) that the candidate will meet the specific  
25 citizenship requirements of the office for which he is a candidate;  
26 (10) that the candidate is a qualified voter as required by law;  
27 (11) that the candidate will meet the specific age, or other specific  
28 requirements of the office for which he is a candidate; (12) that the  
29 candidate if nominated and elected will support the principles of the

1 party he seeks to represent; (13) that the candidate requests that  
2 his name be placed on the primary election ballot; (14) that the  
3 required fee accompanies the declaration; and (15) that he is not  
4 a candidate for any other office, excluding a congressional office,  
5 to be voted upon at the primary election.

6 \* Sec. 5. AS 15.25 is amended by adding a new section to read:

7 Sec. 15.25.105. ELECTION OF NONPARTISAN OFFICES AT PRIMARY  
8 ELECTION. Two candidates for commissioner of education shall be  
9 nominated by the qualified voters of the state at the primary election  
10 and the commissioner shall be elected at the general election. However,  
11 if at the primary election a candidate for commissioner receives a  
12 majority of the votes cast for that office he shall be elected without  
13 a runoff held at the general election between the two candidates  
14 with the greatest number of votes at the primary election.

15 \* Sec. 6. AS 15.25 is amended by adding a new section to read:

16 Sec. 15.25.115. FILLING VACANCIES FOR NOMINEES FOR NONPARTISAN  
17 OFFICES. If a candidate nominated at the primary election for a  
18 nonpartisan office dies, withdraws, resigns, becomes disqualified  
19 from holding office for which he is nominated, or is certified as  
20 being incapacitated in the same manner as prescribed by sec. 110 of  
21 this chapter nominees for partisan offices after the primary election  
22 and 10 days or more before the general election, the vacancy shall be  
23 filled by the candidate who received the third highest number of  
24 votes at the primary election, or until the list of candidates is  
25 exhausted. If there is no third or other runner-up, in order of  
26 number of votes received, then the vacancy may be filled by petition  
27 filed with the lieutenant governor by actual physical delivery in  
28 person or by mail not later than 10 days before the date of the  
29 general election. The petition shall be signed by not less than

1 1,000 qualified voters and shall contain the information required in  
2 sec. 180 of this chapter, except that no party affiliation of the  
3 candidate or the subscribers may be listed on the petition. The  
4 lieutenant governor shall place the name of the person properly  
5 nominated by petition on the general election ballot in the same  
6 manner as provided for petition nominees for partisan offices under  
7 sec. 110 of this chapter.

8 \* Sec. 7. AS 15.25.140 is amended to read:

9 Sec. 15.25.140. PROVISION FOR NO-PARTY CANDIDATE NOMINATIONS.  
10 Except as provided in secs. 105 and 115 of this chapter, candidates  
11 not representing a political party are nominated by petition.

12 \* Sec. 8. This Act takes effect on the effective date of an amendment  
13 to sec. 25, art. III, Constitution of the State of Alaska, providing for  
14 the election of the commissioner of education, at the next statewide  
15 election.

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