

Introduced: 1/24/77
Referred: State Affairs
and Judiciary

1 IN THE HOUSE

BY KELLY AND MALONE

2 HOUSE BILL NO. 100

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to procedure when an election to the
7 state legislature is set aside by a court; and providing
8 for an effective date."

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

10 * Section 1. AS 15.20.560 is amended to read:

11 Sec. 15.20.560. JUDGMENT OF COURT. The judge shall pronounce judg-
12 ment on which candidate was elected or nominated and whether the question
13 or proposition was accepted or rejected. The lieutenant governor shall
14 issue a new election certificate to correctly reflect the judgment of the
15 court. If the court decides that the election resulted in a tie vote,
16 the lieutenant governor shall immediately proceed to determine the elec-
17 tion by lot as is provided by law. If the court decides that no candi-
18 date was duly elected or nominated, the judgment shall be that the con-
19 tested election be set aside. If the contested election is set aside,
20 a new election conducted under the provisions of AS 15.40.480 - 15.40.510
21 of this chapter shall be held. The provisions of this section and secs.
22 540 and 550 of this chapter are not intended to limit or interfere with
23 the power of the legislature to judge the election and qualifications of
24 its members.

25 * Sec. 2. AS 15.40 is amended by adding new sections to read:

26 ARTICLE 5. SPECIAL ELECTIONS WHERE ELECTION

27 TO LEGISLATURE SET ASIDE BY COURT

28 Sec. 15.40.480. APPLICATION. When an election to a seat in the
29 legislature is set aside by a court, the procedure in secs. 480 - 510 of

1 this chapter is the exclusive method of filling that seat. The governor
2 may not appoint to fill any vacancy created by a court setting aside an
3 election to a seat in the legislature.

4 Sec. 15.40.490. CONDITION AND TIME OF CALLING SPECIAL ELECTION.
5 When an election for a seat in the state legislature is set aside by a
6 court, the governor shall, by proclamation issued within five days of
7 the court decree, call a special election to fill that seat. The special
8 election shall be held not more than 55 days after the date of the court
9 decree.

10 Sec. 15.40.500. TERM. At the special election a legislator shall
11 be elected to fill the remainder of the unexpired term. The person
12 elected takes office on the date the house to which he is elected first
13 meets, convenes or reconvenes following the certification of the results
14 of the special election by the lieutenant governor.

15 Sec. 15.40.510. GENERAL PROVISIONS FOR CONDUCT OF SPECIAL ELECTION.
16 Unless specifically provided otherwise, all provisions regarding the con-
17 duct of the general election shall govern the conduct of the special
18 election when an election to the legislature is set aside by a court.

19 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

20 070(c).