

Introduced: 2/7/77
Referred: State Affairs

1 IN THE HOUSE

BY MILES

2 *CS* HOUSE BILL NO. 181 *AM*
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 vacancies in the legislature."

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

8 * Section 1. AS 15.40 is amended by adding new sections to read:

9 ARTICLE 4. LEGISLATURE.

10 Sec. 15.40.321. FILLING VACANCY BY ELECTION. When a vacancy occurs
11 in the state legislature before April 1 of the second year of a two-
12 year term or before April 1 of the fourth year of a four-year term, the
13 governor shall call a special election to fill the vacancy.

14 Sec. 15.40.331. DATE OF OFFICE OF PERSON ELECTED. The term of
15 the person elected to the legislature shall begin on the first day the
16 person elected is present when the legislature meets, convenes or re-
17 convenes after the date of the election.

18 Sec. 15.40.341. TERM. The election is for the remainder of the
19 unexpired term.

20 Sec. 15.40.351. PROCLAMATION AND DATE OF SPECIAL ELECTION. (a)
21 The governor shall issue the proclamation for a special election required
22 to be held under secs. 321 - 431 of this chapter no later than five days
23 after the vacancy occurs.

24 (b) The date of the special election shall be not less than 50
25 nor more than 70 days from the date of the proclamation except when the
26 special election is held on the day of the general election.

27 Sec. 15.40.361. PROCEDURES FOR STATE SENATE VACANCY. (a) If the
28 vacancy in the state senate occurs on or after April 1 and before
29 September 1 of the second year of a four-year term, the special election

1 shall be called on the day of the general election.

2 (b) If the vacancy in the state senate occurs one calendar month
3 or more before the filing date for the primary election in the second
4 year of a four-year term, candidates for the special election shall be
5 nominated in the manner provided for the nomination of candidates for
6 general elections.

7 (c) If the vacancy in the state senate occurs less than one calen-
8 dar month before the filing date and more than three calendar months
9 before the next general election in the second year of a four-year term,
10 candidates shall be nominated by petition. The petition shall be filed
11 by either

12 (1) the actual physical delivery of the petition in person at
13 or before 5:00 p.m., prevailing time, on September 2; or

14 (2) the actual physical delivery by telegram of a copy in
15 substance of the statements made in the petition at or before 5:00 p.m.,
16 prevailing time, on September 2 and also the actual physical delivery of
17 the petition by registered mail which is postmarked at or before 5:00
18 p.m., prevailing time, on September 2 and received not more than 15 days
19 after September 2.

20 (d) If the vacancy in the state senate occurs at any other time
21 before April 1 of the fourth year of a four-year term, candidates shall
22 be nominated by petition under the procedures set out in (c) of this
23 section, and the petition shall be filed no more than 15 days after the
24 date of the governor's proclamation calling the special election.

25 Sec. 15.40.371. PROCEDURES FOR STATE HOUSE OF REPRESENTATIVES. If
26 the vacancy in the state house of representatives occurs at any time
27 before April 1 of the second year of the term, candidates shall be
28 nominated by petition filed under the procedures established by sec.
29 361(c) of this chapter, and the petition shall be filed no more than 15

1 days after the date of the governor's proclamation calling the special
2 election.

3 Sec. 15.40.381. PLACE OF FILING PETITION. A candidate may file
4 the petition either with the lieutenant governor or with the election
5 supervisor.

6 Sec. 15.40.391. REQUIREMENTS OF PETITION FOR NO-PARTY CANDIDATES.
7 Petitions for the nomination of candidates not representing a political
8 party shall be signed by qualified voters equal in number to at least
9 five per cent of the number of votes cast in the respective election or
10 senate district in the preceding general election; however, no nominating
11 petition need contain more than 200 signatures nor may it contain less
12 than 50 signatures for any district, and shall state in substance that
13 which is required in petitions for nomination for general elections
14 provided in AS 15.25.180.

15 Sec. 15.40.401. REQUIREMENTS OF PETITION BY POLITICAL PARTY.
16 Petitions for the nomination of candidates of political parties shall
17 state in substance that the party desires and intends to support the
18 named candidate at the special election and requests that the name of
19 the candidate be placed on the ballot.

20 Sec. 15.40.411. SELECTION OF POLITICAL PARTY NOMINEES. The
21 nominees of political parties shall be selected by the respective party
22 district committee or by any other manner as provided by the party
23 bylaws, and the petition shall be signed by the chairman of the party
24 district committee or by any other party official designated by the
25 party bylaws. If the party has no committee selected under the party
26 bylaws for the house or senate district with the vacancy, the residents
27 of the house or senate district who are members of a committee from the
28 judicial district or similar committee shall meet and select the party's

1 nominee.

2 Sec. 15.40.421. GENERAL PROVISION FOR CONDUCT OF SPECIAL ELECTION.
3 Unless specifically provided otherwise, all provisions regarding the
4 conduct of the general election shall govern the conduct of the special
5 elections established under secs. 321 - 431 of this chapter, including,
6 but not limited to, the provisions specifically referred to in sec. 130
7 of this chapter.

8 Sec. 15.40.431. APPOINTMENTS BY THE GOVERNOR PROHIBITED. The
9 governor may not fill vacancies in the state legislature by appointment.

10 * Sec. 2. AS 15.40.320 - 15.40.470 is repealed.