

Original sponsor: Miles

Offered: 4/19/77
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 181

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
11 occurs in the state legislature before April 1 of the second year of a
12 two-year term or before April 1 of the fourth year of a four-year term,
13 the governor shall call a special election to fill the vacancy.

14 Sec. 15.40.331. DATE OF OFFICE OF PERSON ELECTED. The term of the
15 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 re-
22 quired to be held under secs. 321 - 431 of this chapter no later than
23 five days after the vacancy occurs.

24 (b) The date of the special election shall be not less than 50 nor
25 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 nomi-
11 nating petition need contain more than 200 signatures nor may it contain
12 less than 50 signatures for any district, and shall state in substance
13 that 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 organizational charter, or bylaws, and the petition shall be signed by
24 the chairman of the party district committee or by any other party
25 official designated by the party bylaws. If the party has no committee
26 selected under the party, organizational charter, or bylaws for the
27 house or senate district with the vacancy, the residents of the house or
28 senate district who are members of a committee from the judicial district
29 or similar committee shall meet and select the party's nominee.

1 Sec. 15.40.421. GENERAL PROVISION FOR CONDUCT OF SPECIAL ELECTION.

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

7 Sec. 15.40.431. APPOINTMENTS BY THE GOVERNOR. (a) The governor
8 may fill vacancies in the legislature only as provided for under this
9 section.

10 (b) When a vacancy occurs in the legislature after the times
11 specified in sec. 321 of this chapter, the governor, within 30 days,
12 shall appoint a qualified person to fill the vacancy.

13 (c) The appointee shall meet the qualifications of a member of the
14 legislature as prescribed in art. II, sec. 2 of the state constitution,
15 shall be a member of the same political party as that which nominated
16 the predecessor in office, and shall be subject to confirmation by a
17 majority of the members of the legislature who are members of the same
18 political party which nominated the predecessor in office and of the
19 same house as was the predecessor in office. If the predecessor in
20 office was not nominated by a political party or if no other member of
21 his political party is a member of his house of the legislature, the
22 governor may appoint any qualified person. If the appointee is not a
23 member of a political party, the appointment is not subject to confir-
24 mation. If the appointee is a member of a political party, the appoint-
25 ment is subject to confirmation as provided by this subsection for the
26 confirmation of political party appointees.

27 (d) An appointment under (b) of this section is rejected if not
28 confirmed within 30 days following the appointment.

29 (e) If the appointment is not subject to confirmation, the term of

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the appointee shall begin on the first day the appointee is present when the legislature meets, convenes, or reconvenes after the date of the appointment. If the appointment is subject to confirmation, the term of the appointee shall begin on the date the appointment is confirmed.

(f) If the appointment is rejected, the governor within 10 days shall appoint another qualified person as provided in (c) of this section, who shall also be subject to confirmation under that subsection.

(g) The appointment is for the remainder of the unexpired term.

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