

Original Sponsor: Rules Committee

Offered: 1/28/77
For Today's Calendar

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE RESOLUTION NO. 5 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 Relating to representation of District 16
6 in the Alaska State House of Representa-
7 tives.

8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

9 WHEREAS the general election for representative from House District 16
10 has been set aside by the superior court of the State of Alaska; and

11 WHEREAS the Constitution of the State of Alaska in art. II, sec. 4,
12 states: "A vacancy in the legislature shall be filled for the unexpired term
13 as provided by law. If no provision is made the governor shall fill the
14 vacancy by appointment."; and

15 WHEREAS the statute establishing procedure for appointments provides in
16 AS 15.60.010(19) that:

17 "(19) 'vacancy' exists in an office when the person elected
18 or appointed to the office resigns, retires, dies, is recalled, is
19 rejected by majority vote on the question at an election, is convicted
20 of a corrupt practice, is removed by impeachment or is expelled."; and

21 WHEREAS the contingency of an election being set aside by a court is not
22 included in that definition; and

23 WHEREAS the governor has submitted the name of Martin Severson to fill
24 the District 16 seat; and

25 WHEREAS under art. II, sec. 12 of the Constitution of the State of
26 Alaska, which provides that "... Each [house] is the judge of the election
27 and qualifications of its members....", the House has a right and duty to
28 consider, and has duly considered, the matter;

29 BE IT RESOLVED that the House of Representatives having duly considered

1 the questions relating to the District 16 seat finds:

2 (1) that the superior court of the State of Alaska, First Judicial
3 District, acting in accordance with AS 15.20.560, in the case of
4 McGill v. Thomas, Docket No. 76-1022, declared the general election to the
5 House of Representatives conducted November 2, 1976 void, set aside the
6 election, and, further, the court in its own discretion ordered that the
7 lieutenant governor conduct a new election for this seat;

8 (2) that the House, although retaining its constitutional right to
9 judge the election and qualifications of its members, has chosen in this
10 instance not to challenge the decision of the court, and therefore District
11 16 is not represented in the House;

12 (3) that the lieutenant governor has informed the House that this
13 election will be conducted on March 1, 1977;

14 (4) that the governor has submitted the name of Martin Severson to
15 represent District 16 until the person elected at the special election has
16 taken the oath of office;

17 (5) that Martin Severson is a qualified voter of the State of Alaska,
18 has been a resident of the state for more than three years, has been a resi-
19 dent of District 16 for more than one year, and is over 21 years of age; and
20 be it

21 FURTHER RESOLVED that the House of Representatives concludes that
22 Martin Severson may sit as the member of the House from District 16 until the
23 person elected at the special election has taken the oath of office.
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