

1 IN THE SENATE

BY FERGUSON BY REQUEST

2 SENATE BILL NO. 469

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the recall of municipal officials;  
7 and providing for an effective date."

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

9 \* Section 1. AS 29.28 is amended by adding a new section to read:

10 Sec. 29.28.145. APPLICATION FOR RECALL PETITION. (a) The recall  
11 of an elected official of a home rule or general law municipality is  
12 initiated by filing an application with the municipal clerk. A separate  
13 application is filed for the recall of each elected official. A deposit  
14 of \$25 must accompany the application. The deposit will be refunded if  
15 the petition is properly filed.

16 (b) The application shall contain the names, addresses and signa-  
17 tures of all sponsors of the recall petition. The sponsors may add new  
18 sponsors in their discretion. No petition may be circulated for the  
19 signature of voters except by a sponsor of the petition and in the pre-  
20 sence of the sponsor.

21 (c) The application shall contain a statement of the grounds of  
22 the recall listed in sec. 140 of this chapter in 200 words or less stated  
23 with particularity as to the specific instances;

24 (d) The municipal clerk shall prepare the recall petitions under  
25 sec. 150 of this chapter for circulation by the sponsors following a  
26 form established by the lieutenant governor. Upon receipt of an accept-  
27 able application for a recall petition, the municipal clerk shall  
28 immediately advise the elected official of the contents of the applica-  
29 tion and provide the elected official with 20 days to prepare a response

1 to the petition in 200 words or less.

2 (e) Within 40 days of the receipt of an application for a recall  
3 petition, the municipal clerk shall have the petitions available for  
4 delivery to the sponsors of the recall petition.

5 \* Sec. 2. AS 29.28.150 is amended to read:

6 Sec. 29.28.150. RECALL PETITION. (a) [A PETITION SEEKING RECALL  
7 OF ONE OR MORE MUNICIPAL OFFICIALS IS FILED WITH THE MUNICIPAL CLERK.]  
8 The petitions provided by the municipal clerk to the sponsors [PETITION]  
9 shall contain

10 (1) space for the signatures, names and resident addresses of  
11 a number of voters as prescribed in sec. 70(b) of this chapter for initia-  
12 tive and referendum;

13 (2) space for the date each voter signed the petition; and

14 (3) a statement of the grounds of the recall contained in the  
15 application [STATED WITH PARTICULARITY AS TO SPECIFIC INSTANCES];

16 (4) a statement of the officer being recalled in 200 words or  
17 less;

18 (5) a statement explaining the effect of recall and warning  
19 those offering to sign the recall petition that they should not knowingly  
20 sign the petition more than once, that they must be residents of the  
21 municipality and registered to vote, and should use the form of their  
22 name under which they are registered;

23 (6) space for the affidavit of the sponsor in whose presence  
24 the signatures of the voters were taken that the signatures were taken  
25 in the presence of the sponsor and that each voter was informed of the  
26 contents of the petition.

27 (b) Petitions [A PETITION] for recall must be filed with the clerk  
28 within 60 days after the delivery of the petitions to the sponsors [DATE  
29 OF THE EARLIEST SIGNATURE ON THE PETITION].

1 \* Sec. 3. AS 29.28.180 is amended to read:

2           Sec. 29.28.180. NEW APPLICATION [PETITION]. Failure to secure  
3 sufficient signatures does not preclude the filing of a new application  
4 for a recall petition. However, a new application for a recall petition  
5 may not be filed sooner than six months after a petition is rejected.

6 \* Sec. 4. AS 29.28.240 is amended to read:

7           Sec. 29.28.240. EFFECT. If an incumbent is not recalled at the  
8 recall election, an application for a recall petition to recall the same  
9 incumbent may not be filed sooner than six months after the recall  
10 election.

11 \* Sec. 5. AS 29.28 is amended by adding a new section to read:

12           Sec. 29.28.255. CORRUPT PRACTICES. A person who wilfully misrepre-  
13 sents the contents of a petition or of the purpose or significance of a  
14 petition for the recall of an elected municipal official or wilfully  
15 makes false statements for the purpose of obtaining signatures on a  
16 petition for the recall of an elected municipal official is guilty of a  
17 corrupt practice and upon conviction is punishable as for a misdemeanor  
18 under AS 15.55.210.

19 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-  
20 070(c).

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