

Introduced: 2/19/79  
Referred: Community & Regional  
Affairs and Judiciary

1 IN THE HOUSE

BY MOSS BY REQUEST

2 HOUSE BILL NO. 245

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to recall of municipal officials; and  
7 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 new sections to read:

10 Sec. 29.28.155. FORM OF PETITION. (a) The lieutenant governor  
11 shall adopt regulations prescribing a standard form of petition for  
12 recall of municipal officials. This form shall contain

13 (1) a statement explaining what recall is, including the  
14 information that the grounds for recall are misconduct in office, incom-  
15 petence, or failure to perform prescribed duties;

16 (2) a space in which the person completing the form is  
17 directed to set out, in 200 words or less, the grounds of the recall and  
18 the particular instances constituting those grounds, including times and  
19 dates;

20 (3) a space in which the officer may make a statement of 200  
21 words or less;

22 (4) a warning to signers that they may not sign the petition  
23 more than once, that they must be qualified voters of the municipality,  
24 and that they must use their true names;

25 (5) spaces for the signature and resident address of each  
26 signer and for the date each signature was obtained; and

27 (6) an affidavit on each page, to be executed by the person  
28 obtaining the signatures on that page, that the signatures on that page  
29 were obtained in his presence, that to the best of his knowledge and

1 belief no signer on that page signed the petition more than once, that  
2 each signer on that page is a qualified voter of the municipality, that  
3 each signer on that page used his true name, that the correct date  
4 appears after each signature on that page, and that each signer on that  
5 page read the entire petition, exclusive of the signatures and informa-  
6 tion supplied by the other signers, or had it read to him in the pre-  
7 sence of the affiant.

8 (b) The lieutenant governor shall provide each municipality with  
9 forms prepared under this section, at no cost to the municipality. The  
10 municipal clerk shall provide a form to any person requesting it, at no  
11 charge to the person.

12 (c) No petition for recall is valid unless on a form prepared  
13 under this section and obtained from the municipal clerk.

14 Sec. 29.28.156. PROCEDURE FOR CIRCULATING AND FILING PETITION.

15 (a) Before any signature may be obtained on a petition for recall, the  
16 grounds of the recall and the particular instances constituting those  
17 grounds, including times and dates, must be set out on the petition in  
18 200 words or less. The petition must then be filed with the municipal  
19 clerk, who shall have a copy of it served on the officer in the same  
20 manner as civil process. The officer shall have 20 days after service  
21 of the petition to file a statement of 200 words or less with the muni-  
22 cipal clerk. If the statement of the officer is received on time, the  
23 municipal clerk shall have it set out on the petition. If no statement  
24 of the officer is received on time, the municipal clerk shall note that  
25 on the petition. The municipal clerk shall forward a copy of the com-  
26 pleted petition to the person originally filing it. The person may  
27 obtain a reasonable number of additional copies from the municipal clerk  
28 at no cost.

29 (b) The petition must be refiled with the municipal clerk within

1 60 days after the date of the earliest signature on the petition.

2 Sec. 29.28.157. NUMBER OF SIGNATURES REQUIRED. A petition for  
3 recall must contain the signatures and resident addresses of a number of  
4 voters as prescribed in AS 29.28.070 for initiative and referendum.

5 \* Sec. 2. AS 29.28.160 is amended to read:

6 Sec. 29.28.160. EXAMINATION FOR SUFFICIENCY. When a petition has  
7 been filed under AS 29.28.156(b), the [THE] municipal clerk shall review  
8 the petition for content and signatures and shall certify on the peti-  
9 tion within 10 days of the filing date whether it is accepted or re-  
10 jected. Until the petition is accepted, a petition signer may withdraw  
11 his signature upon written application to the clerk.

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

13 Sec. 29.28.180. NEW PETITION. Failure to secure sufficient sig-  
14 natures does not preclude the filing of a new recall petition. However,  
15 a new petition may not be filed under AS 29.28.156(b) sooner than six  
16 months after a petition is rejected.

17 \* Sec. 4. AS 29.28.210 is amended to read:

18 Sec. 29.28.210. FORM OF RECALL BALLOTS. A recall ballot contains:

19 (1) the grounds of the recall and the particular instances  
20 constituting those grounds as stated in the recall petition;

21 (2) the officer's statement contained on the recall petition  
22 or, if none, the officer's statement of 200 words or less, if that [THE]  
23 statement is filed with the clerk for publication and public inspection  
24 within 20 days before the election;

25 (3) the following question: "Shall (name of person) be  
26 recalled from the office of (office)? Yes [ ] No [ ]"

27 \* Sec. 5. AS 29.28.240 is amended to read:

28 Sec. 29.28.240. EFFECT. If an incumbent is not recalled at the  
29 recall election, a petition to recall the same incumbent may not be

1 filed AS 29.28.156(b) sooner than six months after the recall  
2 election.

3 \* Sec. 6. AS 29.28.150 is repealed.

4 \* Sec. 7. The provisions of AS 29.28.155(a) and (b), enacted in sec. 1 of  
5 this Act, requiring the lieutenant governor to adopt regulations and provide  
6 forms to municipalities take effect immediately in accordance with AS 01.10.-  
7 070(c). The remainder of this Act takes effect January 1, 1980.

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