

Introduced: 2/8/85
Referred: Health, Education &
Social Services, Judiciary
and Finance

1 IN THE HOUSE

BY THOMPSON BY REQUEST

2

HOUSE BILL NO. 177

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the Alaska Public Offices Commis-
7 sion and to recall of an elected official of a home
8 rule or general law municipality."

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

10 * Section 1. AS 15.13.010 is amended to read:

11 Sec. 15.13.010. APPLICABILITY. (a) This chapter applies in
12 every election for governor, lieutenant governor, a member of the
13 state legislature, a delegate to a constitutional convention, or judge
14 seeking electoral confirmation. It also applies to every candidate
15 for election to a municipal office in a city or borough with a popu-
16 lation of more than 1,000 inhabitants according to the latest United
17 States census figures or estimates of population certified as correct
18 for administrative purposes by the Department of Community and Region-
19 al Affairs. Except for AS 29.28.130 - 29.28.250, a [A] municipality
20 may exempt its elected municipal officers from the requirements of
21 this chapter if a majority of the voters voting on the question at any
22 regular election, as defined by AS 29.78.010 [AS 29.78.010(14)], or a
23 special municipality-wide election called for that purpose, vote to
24 exempt its elected municipal officers from the requirements of this
25 chapter. The question of exemption from the requirements of this
26 chapter may be submitted by the city council or borough assembly by
27 ordinance or by initiative ordinance. Nothing in this chapter
28 prohibits a municipality from regulating by ordinance campaign
29 contributions and expenditures.

1 (b) Except as otherwise provided, this chapter applies to con-
2 tributions, expenditures and communications made by a candidate,
3 group, municipality or individual for the purpose of influencing the
4 outcome of a ballot proposition or question as well as those made to
5 influence the nomination or election of a candidate or the recall of
6 an elected official.

7 * Sec. 2. AS 15.13.110(e) is amended to read:

8 (e) A group formed to sponsor an initiative, a referendum or a
9 recall shall report 30 days after its first filing with the lieutenant
10 governor or if sponsoring a municipal recall petition, the group shall
11 report immediately after its first filing with the municipal clerk.
12 Thereafter each group shall report within 10 days after the end of
13 each calendar quarter on the contributions received and expenditures
14 made during the preceding calendar quarter until reports are due under
15 (a) of this section.

16 * Sec. 3. AS 29.28.140 is amended to read:

17 Sec. 29.28.140. GROUNDS. Grounds for recall are misconduct or
18 [IN OFFICE,] incompetence in the performance of official duties, or
19 failure to perform prescribed duties.

20 * Sec. 4. AS 29.28.150 is repealed and reenacted to read:

21 Sec. 29.28.150. INITIATING RECALL PETITIONS. The person or
22 persons seeking recall shall prepare a typewritten charge, reciting
23 that the elected official has committed an act that constitutes
24 grounds for recall. The charge shall state the act complained of in
25 concise language, give a detailed description including the approxi-
26 mate date, location and nature of each act complained of, be signed by
27 the person or persons making the charge, give their respective resi-
28 dent addresses, and be verified under oath that the charges are be-
29 lieved to be true and are based on personal knowledge of the alleged

1 facts upon which the grounds for recall are based.

2 * Sec. 5. AS 29.28.160 is repealed and reenacted to read:

3 Sec. 29.28.160. JUDICIAL REVIEW. (a) After a petition is filed
4 with the municipal clerk it shall be promptly filed with the superior
5 court of the district in which the elected official resides, and the
6 municipal clerk shall petition the court to determine the sufficiency
7 of the charges. A copy of the petition shall be presented to the
8 official whose recall is demanded.

9 (b) Within 15 days after receiving the petition, the superior
10 court shall conduct a hearing, without cost to either party, to deter-
11 mine whether the petition satisfies the grounds for which a recall
12 petition may be filed. The court shall not consider the truth of the
13 charges, but only their sufficiency. The decisions or findings of the
14 superior court are final and may not be appealed.

15 * Sec. 6. AS 29.28 is amended by adding new sections to read:

16 Sec. 29.28.167. SIGNATURES. (a) If a petition is found to be
17 sufficient as determined by the superior court under AS 29.28.150, it
18 shall be returned to the municipal clerk and may be used for the
19 purpose of gathering supporting signatures as provided by this sec-
20 tion.

21 (b) A person whose recall is demanded may prepare and submit to
22 the clerk a rebuttal statement of no more than 200 words that shall be
23 included as a part of a recall petition used to gather signatures.

24 (c) A petition may not be submitted to an assembly or council
25 unless the petition is supported by dated signatures and resident
26 addresses of registered voters equal in number to the following per-
27 centages of the votes cast in the previous municipal election:

28 (1) 25 percent if the city or borough has a population of
29 fewer than 7,500 persons;

1 (2) 15 percent if the city or borough has a population of
2 7,500 persons or more.

3 (d) Signatures in support of a petition for recall must be
4 submitted to the clerk within 60 days after the date on which the
5 first signature was obtained in support of the petition.

6 Sec. 29.28.168. REVIEW BY MUNICIPAL CLERK. The municipal clerk
7 shall review the signatures supporting the petition and shall certify
8 the sufficiency of the signatures within 10 days after receiving them.
9 Until the clerk's certification, a petition signer may withdraw the
10 signer's signature upon written application to the clerk.

11 * Sec. 7. AS 29.28.190 is amended to read:

12 Sec. 29.28.190. SUBMISSION. If a recall petition is supported
13 by sufficient signatures, the clerk shall immediately submit it to the
14 assembly or council.