

HB

245

# COMMITTEE REPORT

## HOUSE

FURTHER: JUDICIARY

February 19, 1979

Date: Feb 21 1979

Mr. Speaker:

The Committee on C&RA has had HB 245

"An Act relating to recall of municipal officials; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 245  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Don Paul  
CHAIRMAN



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

DATE: 4/2/79

BILL NUMBER AND TITLE: HB245 Recall of municipal officials

ORIGINAL SPONSOR : Moss by request

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Judiciary

MEMBERS PRESENT: Parker  
Parr  
Branson  
Zharoff Metcalfe

MEMBERS ABSENT:  
O'Connell  
Carney

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Committee reviewed proposed amendments. Decided to adopt suggestion of Patty Ann Polley, as proposed, and additional clarifying amendments.

Bill passed out as CS.

COMMITTEE ACTION: CS passed out of Committee.

TAPE # 6 SIDE k

Sections 784-850



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

DATE: 3/28/79

PILL NUMBER AND TITLE: HB 245 Recall of Municipal Officials

ORIGINAL SPONSOR : Moss by Request

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Judiciary

MEMBERS PRESENT: Parker Carney  
Parr O'Connell  
Branson Metcalfe

MEMBERS ABSENT:  
Zharoff

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Patty Ann Polley, Director of Elections

Suggested amendments:

- p. 2 Line 6 "Resident and mailing address should be included.
- p. 3 Lines 14, 15 Duplicate copy should be deleted as it is not clear what that reference is to.
- p. 4 Line 4 Certifying on each petition would be an onerous problem. Is that the intent of this wording?
- p. 4 Line 26 Delete "on supplemental petition"
- p. 5 Line 1 \$100 too high
- p. 6 Line 13 The number of sponsors should be specified. You need to know how many petition sheets to include in each of the sponsor books.
- p. 8 Lines 6,7 ":Duplicate copy" deleted.
- p. 9 Line 11 "on the petition" should be omitted
- p. 10 Line 1 "on the supplemental" should be omitted

COMMITTEE ACTION: Continue action.

TAPE # 5 SIDE 2

Sections 1056-1071



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

DATE: 3/16/79

BILL NUMBER AND TITLE: CSHB 245 Relating to recall of municipal officials

ORIGINAL SPONSOR: Moss by request

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Judiciary

MEMBERS PRESENT: Parker  
Carney  
Branson  
Zharoff

MEMBERS ABSENT:  
None

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Jim McKenzie, drafter of HB245  
Reviews CS section by section

Parr--Questions if resident as well as street address should be included.  
O'Connell sees p. 1 lines 14 as problem area. Would municipality be prompted to throw out petition?

McKenzie- Criminal Code p. 3. Warning conforms with 1980 enactment of Criminal Code.  
p. 4 "rejecting" cleaner language

Sect. 10 l. 19 and p. 4 "within" 180 days / not later than at least 180  
p. 5 line 16, p. 5 line 19 p. 3 l. 2

O'Connell -- Has problem with putting statement on the ballot. It takes too long to read and slows down the voting process.

Parr: \$100 too high on local level .

McKenzie -- Nuisance value of time involved

Metcalfe-- Non-return of deposit may be unconstitutional.

At the present time in municipal law, if you have an unsuccessful recall attempt, then you couldn't recall again for six months.

Line 8 p. 16

p. 7 line 7-8

Doesn't the wording restrict fraud enough? Why do you have to have circulation only by sponsors?

Parr: p. 8 l. 21-26 OK but #4 is an unfair burden

p. 10 l. 2 Petition submitted to voters. When is that? Is it once results are certified?

Polley-- State has computer capability to review signatures for double signatures.

O'Connell- If there is a challenge of the petition, what time period does the court have to respond? The election should take place anyway.

Action continued. Hearing to be held March 23, 1979  
TAPE # 4 SIDE 2 Sections 1-848



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

DATE: 3/5/79

BILL NUMBER AND TITLE: HB 245 Recall of Municipal Officials

ORIGINAL SPONSOR : Moss by Request

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS: Judiciary

MEMBERS PRESENT: Carney Branson  
Metcalfe O'Connell  
Zharoff Parr  
Parker

MEMBERS ABSENT:  
None

INDIVIDUALS CONTACTED:

### WITNESSES TESTIFYING:

Moss -- Introduced at request of School Bd. Association. 5 or 6 School Board Officials have been recalled. Title must be changed or it should be checked to see if the proposed bill covers REAA school officials. Officials don't have chance to defend themselves.  
Parr - shouldn't be too protective. Aren't entitled to special protection

Larry Nyland, Supt. of Railbelt Schools

School Sup't Ass'n and School Bd. Ass'n support concepts. Charge must be prefiled. Gives official opportunity to submit statement. Three members have been recalled on 1 petition. July '77 Recall election in the bush. Nine new school bd. members since then. Extended vacancies as additional problem related to recall.

Rep. Parr cites state recall provisions AS15.45.510. Grounds compared with Municipal officer grounds.

Bob Green Testifying on behalf of School Board Assn. Charges and ~~responses~~ on same petition. Time line should be looked at. 30 days might be better than 20 days. Municipal clerks respond within 30 days.

Patty Ann Polley --Preparation of petition might require that the Procedures Act be looked at. Fiscal note shouldn't be more than \$1,000. Title 14 refers to Title 29 so REAAs would be covered. Petitions from REAAs go to Commissioner of Administration but then they go to the Division of Elections.

Doug Griffin -- Dept. of CRA

Opposed ..Lt. Gov's office being involved with what had been a local prerogative. Chance should be there for voters to change their  
(over)

COMMITTEE ACTION: Awaiting info from P.Polley. Should be worked on.

TAPE # 3 SIDE 1

Sections 2100- end

BILL WORK SHEET

COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Referred to Judiciary

Received from \_\_\_\_\_

BILL NO. HB 245 re Recall of municipal officials

Original Sponsor Moss by Request

Fiscal Note Requested 3/1/79 Div. of Elections

Contacts:

Notified re Hearing 2/5/79

Lee Sharp

✓✓✓ P. Moss *4970 Mark Widow*

✓✓✓ M. Miller

✓✓✓ B. Greene, School Bd. Ass'n. *6-1083*

✓✓✓ Patty Ann Polley *6-6181*

✓✓✓ *MBA - 6-3090*

✓✓✓ *277 6-6952*

Info received from McKenzie and Moss:

BILL TITLE MUST BE AMENDED TO INCLUDE SCHOOL BOARD MEMBERS (In the REAAs

School Board members are not considered municipal officials.)

LAA Legal Research contact: McKenzie

MOSS -- School Bd. and other officials should have a chance to rebutt charges. School Bd. Ass'n. requests this. Gives incumbent a chance. New items are statement by official being recalled; affidavit of circulator.

Basic authority for Recall provisions in State Constitution:

Article XI Section 8 : All elected public officials, in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

*Note petitions - Polley. p. 414*

*"was properly or improperly filed"*

*Eliminate it or narrow it to 1 copy to satisfy  
Reasons for requesting be recalled on 5-6*

*Ch. 1 petitions (can be properly recalled?)*

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 245

Title "An Act relating to recall of municipal officials; and providing for an effective

Requested by Moss Date 3/6/79 date."

II. FISCAL DETAIL

Agency Affected Office of the Governor-Division of Elections

Program Category Affected \_\_\_\_\_

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	1.0	0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	1.0	0				

FUNDING (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
FULL TIME	0	0				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

For promulgation of regulations \$500.00

For printing and mailing of petition \$500.00

IV. DATE 3/6/79

PREPARED BY PAP Patty Ann Polley, Director

AGENCY Division of Elections

PHONE 586-6181

Original: Legislative Finance

cc. Budget and Management

Prime Sponsor (First Legislator Named)

A M E N D M E N T

Offered in the HOUSE  
TO: DRAFT CS FOR HOUSE BILL NO. 245

By the Community and Regional  
Affairs Committee

Page 3, Lines 14, 15,  
Delete reference to "duplicate copy"

Page 6, Line 1  
Change \$100 to \$50

Page 6, Line 21 Add "There shall be a minimum of ten sponsors."

Page 8, Line 6,7  
Delete reference to "duplicate copy"

Page 4, Line 5  
Add notify "by certified mail"

Page 6, Line 29  
Add notify "by certified mail"

Proofed 3-15

Original sponsor: Moss by request

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR 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 public officials; and  
7 providing for an effective date."

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

9 \* Section 1. AS 15.45.480 is amended to read:

10 Sec. 15.45.480. FILING APPLICATION. The recall of the governor or  
11 a member of the state legislature is proposed by filing an application  
12 with the lieutenant governor. The recall of the lieutenant governor is  
13 proposed by filing an application with the attorney general, who shall  
14 perform the duties imposed on the lieutenant governor in the recall of  
15 other elected state officials. A deposit of \$100 must accompany the  
16 application. This deposit shall [WILL] be retained if a petition is not  
17 accepted [PROPERLY FILED]. If a petition is accepted, [PROPERLY FILED]  
18 the deposit shall be refunded.

19 \* Sec. 2. AS 15.45.490 is amended to read:

20 Sec. 15.45.490. TIME OF FILING APPLICATION. No application may be  
21 filed during the first 120 days of the term of office of a [ANY] state  
22 public official subject to recall or within less than 180 days of the  
23 termination of the term of office of a state public official subject to  
24 recall.

25 \* Sec. 3. AS 15.45.500 is amended to read:

26 Sec. 15.45.500. FORM OF APPLICATION. The application shall in-  
27 clude (1) the name and office of the official [PERSON] to be recalled,  
28 (2) the grounds for recall described in particular in not more than 200  
29 words, (3) a statement that the sponsors are qualified voters who signed

1 the application with the statement of grounds for recall included  
2 [ATTACHED], (4) the designation of a recall committee of three sponsors  
3 who shall represent all sponsors and subscribers in matters relating to  
4 the recall, (5) the appointment of at least 100 qualified voters who  
5 subscribe to the application as sponsors for purposes of circulation,  
6 and (6) the signatures and resident addresses of qualified voters equal  
7 in number to 10 per cent of those who voted in the preceding general  
8 election in the state or in the senate or electoral district of the  
9 official sought to be recalled.

10 \* Sec. 4. AS 15.45.510 is repealed and re-enacted to read:

11 Sec. 15.45.510. GROUNDS FOR RECALL. Grounds for recall are mis-  
12 conduct in office, incompetence, or failure to perform prescribed  
13 duties.

14 \* Sec. 5. AS 15.45.560 is repealed and re-enacted to read:

15 Sec. 15.45.560. PREPARATION OF PETITION. (a) If the lieutenant  
16 governor certifies the application, he shall prescribe the form of, and  
17 prepare, a petition containing

- 18 (1) the name and office of the official sought to be re-  
19 called;
- 20 (2) the statement of the grounds for recall included in the  
21 application;
- 22 (3) a space in which the official may make a statement of 200  
23 words or less;
- 24 (4) the warning required in AS 15.45.570;
- 25 (5) sufficient space for signatures, resident addresses, and  
26 dates of signing; and
- 27 (6) other specifications prescribed by the lieutenant  
28 governor to assure proper handling and control.

29 (b) The lieutenant governor shall have a copy of the petition

1 served on the official subject to recall in the same manner as civil  
2 process. The official shall have 30 days after service of the petition  
3 to file a statement of 200 words or less with the lieutenant governor.  
4 If the statement of the official is received on time, the lieutenant  
5 governor shall have it set out on the petition. If no statement of the  
6 official is received on time, the lieutenant governor shall note that on  
7 the petition.

8 (c) The lieutenant governor shall prepare a number of petitions  
9 reasonably calculated to allow full circulation throughout the state or  
10 throughout the senate or election district of the official sought to be  
11 recalled. The lieutenant governor shall number each petition and shall  
12 keep a record of the petitions delivered to each sponsor.

13 \* Sec. 6. AS 15.45.570 is amended to read:

14 Sec. 15.45.570. STATEMENT OF WARNING. Each petition and duplicate  
15 copy shall include a statement of warning that a person who signs a name  
16 other than his own to the petition, or who knowingly signs his name more  
17 than once for the same proposition or question at one election, or who  
18 signs the petition knowing he is not a qualified voter, upon conviction  
19 is punishable by a fine of not more than \$5,000 [\$1,000] or by imprison-  
20 ment for not more than one year, or by both.

21 \* Sec. 7. AS 15.45.610 is amended to read:

22 Sec. 15.45.610. FILING OF PETITION. No petition may be filed  
23 within less than 180 days of the termination of the term of office of a  
24 state public official subject to recall. A petition may be filed only  
25 by a member of the recall committee. A member of the recall committee  
26 [THE SPONSOR] may file the petition only if signed by qualified voters  
27 equal in number to 25 per cent of those who voted in the preceding  
28 general election in the state or in the senate or election district of  
the official sought to be recalled.

1 \* Sec. 8. AS 15.45.620 is repealed and re-enacted to read:

2       Sec. 15.45.620. REVIEW OF PETITION. Within 30 days after the  
3 petition is filed, the lieutenant governor shall (1) review the peti-  
4 tion, (2) certify on the petition whether it is accepted or rejected,  
5 and (3) notify the recall committee and the official subject to recall  
6 whether the petition is accepted or rejected.

7 \* Sec. 9. AS 15.45.630 is amended to read:

8       Sec. 15.45.630. BASES FOR REJECTING [DETERMINING THE] PETITION  
9 [WAS IMPROPERLY FILED]. The lieutenant governor shall reject [NOTIFY  
10 THE COMMITTEE THAT] the petition [WAS IMPROPERLY FILED] if he determines  
11 that (1) there is an insufficient number of qualified subscribers, or  
12 (2) the petition was filed within less than 180 days of the termination  
13 of the term of office of the official subject to recall.

14 \* Sec. 10. AS 15.45.640 is repealed and re-enacted to read:

15       Sec. 15.45.640. SUPPLEMENTED PETITION. (a) If the petition is  
16 rejected because of insufficient signatures, it may be supplemented by  
17 additional signatures within 20 days after the recall committee is  
18 notified of rejection, so long as the supplemented petition is filed  
19 within 180 days of the termination of the term of office of the official  
20 subject to recall. If the petition was rejected because it was filed  
21 too late, the lieutenant governor shall file the rejected petition as a  
22 public record. If no supplemented petition is filed on time, the  
23 lieutenant governor shall file the rejected petition as a public record.

24       (b) Within 10 days after a supplemented petition is filed, the  
25 lieutenant governor shall (1) review the supplemented petition, (2)  
26 recertify on the supplemented petition whether it is accepted or re-  
27 jected, and (3) notify the recall committee and the official subject to  
28 recall whether the supplemented petition is accepted or rejected. The  
29 lieutenant governor shall file a rejected supplemented petition as a

1 public record.

2 \* Sec. 11. AS 15.45.650 is amended to read:

3 Sec. 15.45.650. CALLING SPECIAL ELECTION. If the lieutenant  
4 governor accepts [DETERMINES] the petition [IS PROPERLY FILED] and if  
5 the office is not vacant, he shall prepare the ballot and shall call a  
6 special election to be held on a date not less than 60, nor more than  
7 90, days after the date that notification is given that the petition was  
8 accepted [PROPERLY FILED]. If a primary or general election is to be  
9 held no. less than 60, nor more than 90, days after the date that noti-  
10 fication is given that the petition was accepted [PROPERLY FILED], the  
11 special election shall be held on the date of the primary or general  
12 election.

13 \* Sec. 12. AS 15.45.660 is repealed and re-enacted to read:

14 Sec. 15.45.660. FORM OF RECALL BALLOTS. A recall ballot contains:

15 (1) the grounds as stated in the recall petition;

16 (2) the official's statement contained on the recall petition  
17 or, if none, the official's statement of 200 words or less, if that  
18 statement is filed with the lieutenant governor for publication and  
19 public inspection within 10 days after notification to the official that  
20 the recall petition was accepted;

21 (3) the following question: "Shall (name of persor.) be re-  
22 called from the office of (office)? Yes [ ] No [ ]".

23 \* Sec. 13. AS 29.28.130 is amended to read:

24 Sec. 29.28.130. RECALL. An elected official of a home rule or  
25 general law municipality may be recalled by the voters after he has  
26 served 120 days [SIX MONTHS] in office.

27 \* Sec. 14. AS 29.28 is amended by adding new sections to read:

28 Sec. 29.28.142. FILING APPLICATION. The recall of a municipal  
29 official is proposed by filing an application with the municipal clerk.

1 A deposit of \$100 must accompany the application. This deposit shall be  
2 retained if a petition is not accepted. If a petition is accepted, the  
3 deposit shall be refunded.

4 Sec. 29.28.144. TIME OF FILING APPLICATION. An application may  
5 not be filed during the first 120 days of the term of office of a muni-  
6 cipal official or within less than 180 days of the termination of the  
7 term of office of a municipal official.

8 Sec. 29.28.146. FORM OF APPLICATION. The application shall in-  
9 clude

- 10 (1) the name and office of the official to be recalled;
- 11 (2) the grounds for recall described in particular in not  
12 more than 200 words;
- 13 (3) a statement that the sponsors are qualified voters of the  
14 municipality who signed the application with statement of grounds for  
15 recall included; and
- 16 (4) the designation of a recall committee of three sponsors  
17 who shall represent all sponsors and subscribers in relation to the  
18 recall.

19 Sec. 29.28.148. DESIGNATION OF SPONSORS. The qualified voters of  
20 the municipality who subscribe to the application are designated as  
21 sponsors. The recall committee may designate additional sponsors by  
22 giving written notice to the municipal clerk of the names and resident  
23 addresses of those so designated.

24 Sec. 29.28.152. MANNER OF NOTICE. Notice on all matters pertain-  
25 ing to the application and petition may be served on any member of the  
26 recall committee in person or by first class mail addressed to him as  
27 indicated on the application.

28 Sec. 29.28.154. REVIEW OF APPLICATION. The municipal clerk shall  
29 review the application and shall either certify it or notify the recall

1 committee of the grounds of refusal.

2 Sec. 29.28.156. BASES OF DENIAL OF CERTIFICATION. The municipal  
3 clerk shall deny certification if he determines that (1) the application  
4 is not substantially in the required form, (2) the application was filed  
5 during the first 120 days of the term of office of the official subject  
6 to recall or within less than 180 days of the termination of the term of  
7 office of the official subject to recall, (3) the person named in the  
8 application is not subject to recall, or (4) there is an insufficient  
9 number of qualified subscribers.

10 Sec. 29.28.158. PREPARATION OF PETITION. (a) If the municipal  
11 clerk certifies the application, he shall prescribe the form of, and  
12 prepare, a petition containing

13 (1) the name and office of the official sought to be re-  
14 called;

15 (2) the statement of the grounds for recall included in the  
16 application;

17 (3) a space in which the official may make a statement of 200  
18 words or less;

19 (4) the warning required in AS 29.28.162;

20 (5) sufficient space for signatures and resident addresses;

21 and

22 (6) other specifications prescribed by the municipal clerk to  
23 assure proper handling and control.

24 (b) The municipal clerk shall have a copy of the petition served  
25 on the official subject to recall in the same manner as civil process.  
26 The official shall have 30 days after service of the petition to file a  
27 statement of 200 words or less with the municipal clerk. If the state-  
28 ment of the official is received on time, the municipal clerk shall have  
29 it set out on the petition. If no statement of the official is received

1 on time, the municipal clerk shall note that on the petition.

2 (c) The municipal clerk shall prepare a number of petitions  
3 reasonably calculated to allow full circulation throughout the munici-  
4 pality. The municipal clerk shall number each petition and shall keep a  
5 record of the petitions delivered to each sponsor.

6 Sec. 29.28.162. STATEMENT OF WARNING. Each petition and duplicate  
7 copy shall include a statement of warning that a person who signs a name  
8 other than his own to the petition, or who knowingly signs his name more  
9 than once for the same question at one recall election, or who signs the  
10 petition knowing he is not a qualified voter, upon conviction is punish-  
11 able by a fine of not more than \$5,000 or by imprisonment for not more  
12 than one year, or by both.

13 Sec. 29.28.164. CIRCULATION BY SPONSOR. A petition may be cir-  
14 culated only by a sponsor and only in person throughout the municipality  
15 represented by the official sought to be recalled.

16 Sec. 29.28.166. MANNER OF SIGNING AND WITHDRAWING NAME FROM PETI-  
17 TION. A qualified voter of the municipality may subscribe to the peti-  
18 tion by signing his name and resident address. A person who has signed  
19 the petition may withdraw his name only by giving written notice to the  
20 municipal clerk before the date the petition is filed.

21 Sec. 29.28.168. CERTIFICATION OF SPONSOR. Before being filed,  
22 each petition shall be certified by an affidavit by the sponsor who  
23 personally circulated the petition. The affidavit shall state in sub-  
24 stance that (1) the person signing the affidavit is a sponsor, (2) the  
25 person is the only circulator of that petition or copy, (3) the signa-  
26 tures were made in his actual presence, and (4) to the best of his  
27 knowledge, the signatures are those of the persons whose names they  
28 purport to be. In determining the sufficiency of the petition, the  
29 municipal clerk may not count subscriptions on petitions not properly

1 certified.

2 Sec 29.28.172. FILING OF PETITION. A petition may not be filed  
3 within less than 180 days of the termination of the term of office of a  
4 municipal official subject to recall. A petition may be filed only by a  
5 member of the recall committee. A member of the recall committee may  
6 file the petition only if it contains the signatures and resident  
7 addresses of a number of qualified voters of the municipality as pre-  
8 scribed in AS 29.28.070(b) for initiative and referendum.

9 Sec. 29.28.174. REVIEW OF PETITION. Within 30 days after the  
10 petition is filed, the municipal clerk shall (1) review the petition,  
11 (2) certify on the petition whether it is accepted or rejected, and (3)  
12 notify the recall committee and the official subject to recall whether  
13 the petition is accepted or rejected.

14 Sec. 29.28.176. BASES FOR REJECTING PETITION. The municipal clerk  
15 shall reject the petition if he determines that (1) there is an insuffi-  
16 cient number of qualified subscribers, or (2) the petition was filed  
17 within less than 180 days of the termination of the term of office of  
18 the official subject to recall.

19 Sec. 29.28.178. SUPPLEMENTED PETITION. (a) If the petition is  
20 rejected because of insufficient signatures, it may be supplemented by  
21 additional signatures within 20 days after the recall committee is  
22 notified of rejection, so long as the supplemented petition is filed  
23 within 180 days of the termination of the term of office of the official  
24 subject to recall. If the petition was rejected because it was filed  
25 too late, the municipal clerk shall file the rejected petition as a  
26 public record. If no supplemented petition is filed on time, the muni-  
27 cipal clerk shall file the rejected petition as a public record.

28 (b) Within 10 days after a supplemented petition is filed, the  
29 municipal clerk shall (1) review the supplemented petition, (2) re-

1 certify on the supplemented petition whether it is accepted or rejected,  
2 and (3) notify the recall committee and the official subject to recall  
3 whether the supplemented petition is accepted or rejected. The municipi-  
4 pal clerk shall file a rejected supplemented petition as a public  
5 record.

6 \* Sec. 15. AS 29.28.210(2) is amended to read:

7 (2) the official's statement contained on the recall peti-  
8 tion or, if none, the official's [OFFICER'S] statement of 200 words or  
9 less, if that [THE] statement is filed with the municipal clerk for  
10 publication and public inspection within 10 [20] days after notification  
11 to the official that the recall petition was accepted [BEFORE THE ELEC-  
12 TION];

13 \* Sec. 16. AS 29.28 is amended by adding new sections to read:

14 Sec. 29.28.260. INSUFFICIENCY OF GROUNDS, APPLICATION, OR PETI-  
15 TION. A recall submitted to the voters may not be held void because of  
16 the insufficiency of the grounds, application, or petition by which the  
17 submission was procured.

18 Sec. 29.28.270. JUDICIAL REVIEW. A person aggrieved by a deter-  
19 mination made by the municipal clerk may bring an action to have the  
20 determination reviewed within 30 days of the date on which notice of  
21 determination was given by any appropriate remedy in the superior court.

22 Sec. 29.28.280. IMPROPER SUBSCRIPTION TO PETITION. A person who  
23 signs a name other than his own to a recall petition, who knowingly  
24 signs his name more than once for the same question at one recall elec-  
25 tion, or who signs the petition knowing he is not a qualified voter of  
26 the municipality is guilty of a misdemeanor.

27 \* Sec. 17. The following laws are repealed: AS 15.45.680; AS 29.28.150 -  
28 29.28.180; and 29.28.240.

29 \* Sec. 18. This Act takes effect January 1, 1980.

A M E N D M E N T

Offered in the HOUSE

By the Community and  
Regional Affairs Committee

TO: DRAFT CS FOR HOUSE BILL NO. 245

Page 2, line 2:

After "sponsors" add "", including resident and mailing addresses,"

Page 2, between lines 13 and 14:

Insert the following:

\* Sec. 5. AS 15.45.520 is amended to read:

Sec. 15.45.520. MANNER OF NOTICE. Notice on all matters pertaining to the application and petition may be served on any member of the recall committee in person or by first class mail addressed to him at his mailing address [A COMMITTEE MEMBER] as indicated on the application.

\* Sec. 6. AS 15.45 is amended by adding a new section to read:

Sec. 15.45.525. DESIGNATION OF SPONSORS. The qualified voters who subscribe to the application are designated as sponsors. The recall committee may designate additional sponsors by giving written notice to the lieutenant governor of the names, resident addresses, and mailing addresses of those so designated.

Renumber the remaining sections consecutively.

Page 2, lines 25 - 26:

Delete "signatures, resident addresses, and dates of signing" and insert "signatures and resident addresses" in its place.

Page 4, lines 1 - 6:

Delete all material and insert the following.

\* Sec. 10. AS 15.45.620 is amended to read:

Sec. 15.45.620. REVIEW OF PETITION. Within 30 days after [OF] the petition is filed [DATE OF FILING], the lieutenant governor shall review the petition and shall notify the recall committee and the official [PERSON] subject to recall whether the petition is accepted or rejected and, if rejected, the grounds for rejection [WAS PROPERLY OR IMPROPERLY FILED].

Page 4, line 15 - page 5, line 1:

Delete all material and insert the following:

Sec. 15.45.640. SUPPLEMENTED PETITION. (a) If the petition is rejected because of insufficient signatures, it may be supplemented by additional signatures within 20 days after the recall committee is notified of rejection so long as the supplemented petition is filed at least 180 days before the termination of the term of office of the official subject to recall.

(b) Within 10 days after a supplemented petition is filed, the lieutenant governor shall review the supplemented petition and shall notify the recall committee and the official subject to recall whether the supplemented petition is accepted or rejected and, if rejected, the grounds for rejection.

Page 6, line 16:

After "sponsors" add ", including resident and mailing addresses,"

Page 6, lines 19 - 27:

Delete all material and insert the following:

Sec. 29.28.148. MANNER OF NOTICE. Notice on all matters pertaining to the application and petition may be served on any member of the recall committee in person or by first class mail addressed to him at his mailing address as indicated on the application.

Sec. 29.28.152. DESIGNATION OF SPONSORS. The qualified voters of the municipality who subscribe to the application are designated as sponsors. The recall committee may designate additional sponsors by giving written notice to the municipal clerk of the names, resident addresses, and mailing addresses of those so designated.

Page 9, lines 9 - 13:

Delete all material and insert the following:

Sec. 29.28.174. REVIEW OF PETITION. Within 30 days after the petition is filed, the municipal clerk shall review the petition and shall notify the recall committee and the official subject to recall whether the petition is accepted or rejected and, if rejected, the grounds for rejection.

Page 9, line 19 - page 10, line 5:

Delete all material and insert the following:

Sec. 29.28.178. SUPPLEMENTED<sup>AKI</sup> PETITION. (a) If the petition is rejected because of insufficient signatures, it may be supplemented by

additional signatures within 20 days after the recall committee is notified of rejection so long as the supplemented petition is filed at least 180 days before the termination of the term of office of the official subject to recall.

(b) Within 10 days after a supplemented petition is filed, the municipal clerk shall review the supplemented petition and shall notify the recall committee and the official subject to recall whether the supplemented petition is accepted or rejected and, if rejected, the grounds for rejection.

A M E N D M E N T

Offered in the HOUSE

By the Community and  
Regional Affairs Committee

TO: DRAFT CS FOR HOUSE BILL NO. 245

Page 5, between lines 22 and 23:

Insert the following:

\* Sec. 15. AS 15.45 is amended by adding new sections to read:

Sec. 15.45.730. ADDITIONAL TIME AFTER NOTIFICATION BY MAIL.

When notice is given by mail under AS 15.45.470 - 15.45.740, that notice is complete upon mailing. If a person has a right or is required to do some act within a prescribed period after being notified, and the notice is given to him by mail, three days shall be added to the prescribed period.

Sec. 15.45.740. FILING AS PUBLIC RECORD. When an application, petition, or supplementary petition is filed under AS 15.45.470 - 15.45.74, the lieutenant governor shall file it as a public record, regardless of whether it is accepted or rejected.

Page 10, between lines 26 and 27:

Insert the following:

Sec. 29.28.290. ADDITIONAL TIME AFTER NOTIFICATION BY MAIL.

When notice is given by mail under AS 29.28.130 - 29.28.300, that notice is complete upon mailing. If a person has a right or is required to do some act within a prescribed period after being notified, and the notice is given to him by mail, three days shall be added to the prescribed period.

Sec. 29.28.300. FILING AS PUBLIC RECORD. When an application, petition, or supplementary petition is filed under AS 29.28.130

- 29.28.300, the municipal clerk shall file it as a public record, regardless of whether it is accepted or rejected.

shall be suspended pending the referendum on the ordinance. During the period of suspension the assembly or council may not enact an ordinance substantially similar to the suspended ordinance but may repeal the suspended ordinance.

(c) If a majority of those voting favor the referendum legislation, it remains in effect. If a majority rejects the legislation, it is repealed. A municipal charter may be amended as provided in the charter or by initiative and referendum as provided in §§ 60—110 of this chapter. (§ 2 ch 118 SLA 1972; am § 10 ch 147 SLA 1972)

Effect of amendment. — The 1972 amendment, effective September 10, 1972, inserted "assembly or" in the last sentence of subsection (b).

Sec. 29.28.110. Effect. (a) The assembly or council may not, within two years, act in any way to modify or negate the effect of a successful initiative or referendum. If an ordinance against which a referendum is directed has been repealed by the assembly or council after a petition has been filed but before the referendum, the council or assembly may not enact substantially similar legislation for a period of one year after repeal.

(b) An unsuccessful initiative or referendum precludes the filing of a new petition for the same purpose sooner than six months after voter disapproval of the initiative or referendum. (§ 2 ch 118 SLA 1972)

Article 3. Recall.

Section	Section
130. Recall	200. Election
140. Grounds	210. Form of recall ballots
150. Petition	220. Election procedure
160. Examination for sufficiency	230. Majority required
170. Supplemental petition	240. Effect
180. New petition	250. Election of successor
190. Submission	

Sec. 29.28.130. Recall. An elected official of a home rule or general law municipality may be recalled by the voters after he has served six months in office. (§ 2 ch 118 SLA 1972)

Section applies to city school board member.—A member of a city school board is an elected public official of an incorporated municipality, within the meaning of this section, to the same extent as a city councilman, and thus is subject to the recall provisions contained in this section. Blue v. Stockton, Sup. Ct. Op. No. 15 (File No. 7), 355 P.2d 395 (1960).

Sec. 29.28.140 Grounds. Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.150. Petition.** (a) A petition seeking recall of one or more municipal officials is filed with the municipal clerk. The petition shall contain

(1) the signatures and resident addresses of a number of voters as prescribed in § 70(b) of this chapter for initiative and referendum;

(2) the date each voter signed the petition; and

(3) a statement of the grounds of the recall stated with particularity as to specific instances.

(b) A petition for recall must be filed with the clerk within 60 days after the date of the earliest signature on the petition. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.160. Examination for sufficiency.** The municipal clerk shall review the petition for content and signatures and shall certify on the petition within 10 days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his signature upon written application to the clerk. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.170. Supplemental petition.** (a) If the petition is rejected because of insufficient signatures, it may be supplemented by additional signatures within 10 days after the date of rejection. If the petition is insufficient for any other reason, it shall be rejected and filed as a public record.

(b) Within 10 days after supplementary filing, the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.180. New petition.** Failure to secure sufficient signatures does not preclude the filing of a new recall petition. However, a new petition may not be filed sooner than six months after a petition is rejected. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.190. Submission.** If a recall petition is sufficient, the clerk shall immediately submit it to the assembly or council. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.200. Election.** (a) If a regular election occurs within 75 days of the submission, the assembly or council shall submit the recall at that election.

(b) If no regular election will occur within 75 days, the assembly or council shall hold a special election within 75 days of submission.

(c) If a vacancy occurs in the office after a recall petition is filed, the petition shall not be submitted to the voters. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.210. Form of recall ballots.** A recall ballot contains:

- (1) the grounds as stated in the recall petition;
- (2) the officer's statement of 200 words or less, if the statement is filed with the clerk for publication and public inspection within 20 days before the election;
- (3) the following question: "Shall (name of person) be recalled from the office of (office)? Yes [ ] No [ ]". (§ 2 ch 118 SLA 1972)

**Sec. 29.28.220. Election procedure.** Procedures for conducting a recall election are those of a regular election. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.230. Majority required.** A majority vote on the question is required to recall an officer. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.240. Effect.** If an incumbent is not recalled at the recall election, a petition to recall the same incumbent may not be filed sooner than six months after the recall election. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.250. Election of successor.** If the voters recall an officer, the clerk shall conduct an election for a successor to fill the unexpired term. The election shall be held at least 10 but not more than 45 days from the date of the recall election. However, if a regular or special election occurs within 75 days of the recall election, the successor to the recalled official shall be chosen at that regular or special election. The procedures and requirements for the regular election for the office from which the incumbent is recalled apply to the election conducted under this section. (§ 2 ch 118 SLA 1972)

### Chapter 33. Areawide Borough Powers and Duties.

#### Article

- 1. Scope (§ 29.33.010)
- 2. Assessment and Collection of Taxes (§ 29.33.030)
- 3. Education (§ 29.33.050)
- 4. Planning, Platting and Zoning (§§ 29.33.070—29.33.245)
- 5. Additional Areawide Powers (§§ 29.33.250—29.33.290)

#### Article 1. Scope.

##### Section

- 10. Scope of areawide powers

**Sec. 29.33.010. Scope of areawide powers.** (a) Boroughs shall exercise the powers as specified and in the manner specified in this



# Delta/Greeley School District REAA #15

Glen Chowning, Superintendent  
P.O. Box 527  
Delta Junction, Alaska 99737

907-895-4658  
895-4659

March 13, 1979

The Honorable Bill Parker  
Alaska State House of  
Representatives  
Pouch V, State Capitol  
Building  
Juneau, AK 99811

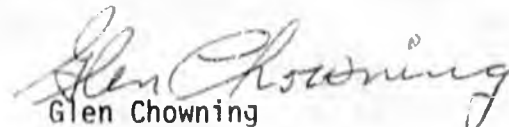
Dear Representative Parker:

I am writing in support of H.B. 245 relating to recall  
of elected local officials.

I believe that there is an urgent need for an orderly  
process by which public officials may be recalled. The present  
process leaves too much to the imagination of the petitioners  
and the signers. Some guidelines must be set to allow public  
officials to do their job in the best interest of the people  
without fear of a small group being able to mount a recall  
based on other than factual evidence.

Your consideration of my view is appreciated.

Sincerely,

  
Glen Chowning  
Superintendent

GC:11a

cc: Representative Charles Parr  
Representative H. "Pappy" Moss  
Senator John Sackett  
Robert Greene, Executive Secretary, AASB

# YUKON FLATS SCHOOL DISTRICT

James Whitt, Superintendent  
P. O. Box 359  
Fort Yukon, Alaska 99740  
Phone: (907) 662-2515

March 15, 1979



## MEMORANDUM

- ARCTIC VILLAGE 99722
- BIRCH CREEK VILLAGE 99740
- CHALKYITSIK 99788
- CIRCLE 99733
- FORT YUKON 99740
- RAMPART 99767
- STEVENS VILLAGE 99774
- VENETIE 99781
- LIVENGOOD
- CENTRAL 99730
- CIRCLE HOT SPRINGS 99734

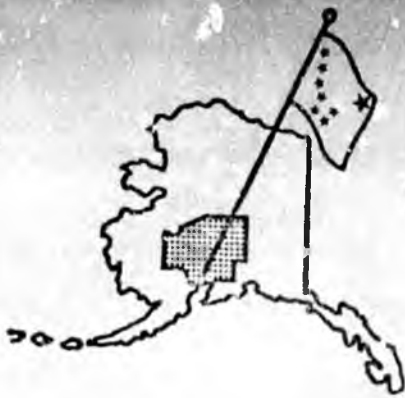
TO: Representative Bill Parker, Chairman  
Representative Pat Carney, Vice-Chairman  
Community & Regional Affairs

FROM: James P. Whitt, Superintendent

RE: HB245 relating to recall of elected officials and school board members

WE ARE UNALTERABLY OPPOSED TO THIS LEGISLATION.

*James P. Whitt - Supt.*  
*Louise K. Sanford*  
*John Reynolds*  
*Gilbert Sorden*  
*Clarence L. Anderson*  
*Gaylord J. Rogers Business Mgr*  
*Mary W. Moses Assistant Supt.*



# MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT

BOX AB

PALMER, ALASKA 99645

PHONE 745-4822

NORMAN S. ROUSEY  
SUPERINTENDENT OF SCHOOLS

## MEMO

TO: Rep. Bill Parker, Chairman  
Rep. Pat Carney, Vice-Chairman  
Rep. Charles Parr  
Rep. Fred Zharoff  
Rep. Pat O'Connell  
Rep. Margaret Branson  
Rep. Ray Metcalfe

DATE: March 13, 1979

SUBJECT: House Bill #245

This is to inform you that the Matanuska Susitna School Board Members strongly support House Bill number 245 relating to recall of elected local officials and school board members.

Sincerely,

MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT

NORMAN S. ROUSEY  
Superintendent

NSR:grd

cc: Robert C. Greene, Executive Secretary  
Association of Alaska School Boards



# YUKON FLATS SCHOOL DISTRICT

James Whitt, Superintendent  
 P. O. Box 359  
 Fort Yukon, Alaska 99740  
 Phone: (907) 662-2515

March 15, 1979

- ARCTIC VILLAGE  
99722
- BIRCH CREEK VILLAGE  
99740
- CHALKYITSIK  
99788
- CIRCLE  
99733
- FORT YUKON  
99740
- RAMPART  
99767
- STEVENS VILLAGE  
99774
- VCNETIE  
99781
- LIVENGOOD
- CENTRAL  
99730
- CIRCLE HOT SPRINGS  
99734

## MEMORANDUM

TO: Representative Bill Parker, Chairman  
 Representative Pat Carney, Vice-Chairman  
 Community & Regional Affairs

FROM: James P. Whitt, Superintendent

RE: HB245 relating to recall of elected officials and school board members

WE ARE UNALTERABLY OPPOSED TO THIS LEGISLATION.

*James P. Whitt - Supt.*  
*Louise K. Sanford*  
*John Reynolds*  
*Glenn Steeden*  
*Clarence L. O'Harra*  
*Gaylord J. Rogers Business Mgr*  
*Mary W. Moses Assistant Supt.*

UPPER RAILBELT  
SCHOOLBOARD RECALL PETITION

We, the undersigned registered voters of the Upper Railbelt School District (REAA #14), do request an immediate recall election of Upper Railbelt School Board Seats held by Incumbents Ed Frye, Gary Crabb, and Ruby John. The Incumbents have consistently ignored the will of the majority of the voters when presented to the Board on signed petitions and in public hearing. The Incumbents have created dissension and turmoil within the District by taking an arbitrary and uncompromising stand that has had a distinct negative impact on school operation. In addition, a new position of Assistant Superintendent has been approved by the Board; also the new school budget has allocated funds for a computer that we feel is unwarranted and reflects fiscal irresponsibility on the part of Incumbents in view of our small District having a total enrollment of approximately 380 students taught by 28 teachers. Our aim is to correct the incompetency of the School Board.

Date of first circulation: March 26, 1977

NAME OF REGISTERED VOTER		HOME & MAILING ADDRESS	DATE
Signature	Printed		
<i>Charles J. Allen</i>	CHARLES J. ALLEN, JR.	Box 393 ASPEN ACRES, ANDERSON CLEAR ALASKA	03/28
<i>Joan L. Allen</i>	JOAN L. ALLEN	Box 393 ASPEN ACRES, ANDERSON CLEAR, AK	3/28
<i>Dale E. Miller</i>	DALE E. MILLER	Box 4005, CLEAR, AK 99704	3/28
<i>Paula S. Standefer</i>	Paula S Standefer	Box 4025 Clear, AK 99704 G Street Anderson	3/28
<i>Margaret J. Nelson</i>	Margaret J. Nelson	Box 475, Clear 99704 / Anderson AK 102 B Street G Street	3/28
<i>Jennie Crabtree</i>	Jennie Crabtree	Gen. Delivery Clear 99704 Anderson AK	3/28
<i>Doris Nordyke</i>	DORIS NORDYKE	503 - Clear - Alaska 99704	3/28
<i>JoAnne Gillens</i>	JoAnne Gillens	Box 453 Clear, Alaska 99704	3/28
<i>Paul Gonzalez</i>	Paul Gonzalez	Box 4037 Clear, Alaska 99704	3/28
<i>Janice Gonzalez</i>	Janice Gonzalez	Box 4037 Clear, Alaska 99704	3/28
<i>Sandra Dupraw</i>	Sandra <sup>Dupraw</sup> <del>Dupraw</del>	Box 721 Clear, AK	3/28
<i>Judith Gould</i>	JUDY GOULD	GEN. DELIVERY CLEAR, AK 99704	3-28
<i>Janice Story</i>	JANICE STORY	Box 662 CLEAR AKS, AK	3-30
<i>Anthony Story</i>	ANTHONY STORY JR	Box 662 CLEAR AKS AK	3/30
<i>Cecelia Brooke</i>	Cecelia Brooke	Box 679 Clear AK	3/30
<i>Margaret E. Tew-Higer</i>	Margaret E. Tew-Higer	Box 732 Clear AK	3/30
<i>Heldine K. Michaels</i>	HELDINE K. MICHAELS	Box 481 CLEAR AK 99704	3/30
<i>Gerald A. Bennett</i>	GERALD A BENNETT	Box 611 CLEAR AK 99704	3/31

FOLD BALLOT TO THIS LINE

STATE OF ALASKA  
**OFFICIAL BALLOT**  
REAA No. 14 - Upper Railbelt  
Recall Election  
July 19, 1977

- Mark only by use of cross marks, "X" marks, checks, or plus signs
- Marks must be inside or touching the square so as to indicate the intent of the voter. Erasures and corrections will invalidate only that part of the ballot in which they appear.
- If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.

SHALL GARY CRABB BE RECALLED FROM THE OFFICE OF THE UPPER RAILBELT  
REGIONAL SCHOOL BOARD, SEAT F?

Yes  No

Grounds set forth in the recall petition for the recall of Gary Crabb are as follows:

- (1) a new position of Assistant Superintendent has been approved by the Board;
- (2) the new school budget has allocated funds for a computer.

Statement by Gary Crabb: No statement supplied.

FOLD BALLOT TO THIS LINE

STATE OF ALASKA  
**OFFICIAL BALLOT**  
REAA No. 14 - Upper Railbelt  
Recall Election

July 19, 1977

- 
- Mark only by use of cross marks, "X" marks, checks, or plus signs.
  - Marks must be inside or touching the square so as to indicate the intent of the voter. Erasures and corrections will invalidate only that part of the ballot in which they appear.
  - If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.
- 

SHALL ED FRYE BE RECALLED FROM THE OFFICE OF THE UPPER RAILBELT  
REGIONAL SCHOOL BOARD, SEAT A?

Yes No 

Grounds set forth in the recall petition for the recall of Ed Frye are as follows:

- (1) a new position of Assistant Superintendent has been approved by the Board;
- (2) the new school budget has allocated funds for a computer.

Statement by Ed Frye: The office of the Attorney General has stated "It matters not under the law whether the charges are right, wrong, ridiculous, incredulous, or discriminatory." I firmly believe these charges to be wrong, ridiculous, incredulous and discriminatory. In the normal course of Board action, All members of the Board voted to hire an Administrative Assistant and All members of the Board voted to allocate funds for the Study of the possible purchase of a computer. If these two (2) Board actions cited, constitute the grounds for the Recall of only three members of the School Board without being wrong, ridiculous, incredulous and discriminatory, then my sense of values and "due process" are wrong, and I should be recalled. However, I feel the Board has taken normal Board action in matters concerning the running of the School District, and the Administration and the Office of the Attorney General, may "stick it in their ear."

FOLD BALLOT TO THIS LINE

STATE OF ALASKA

**OFFICIAL BALLOT****REAA No. 14 - Upper Railbelt  
Recall Election**

July 19, 1977

- 
- 
- Mark only by use of cross marks, "X" marks, checks, or plus signs.
  - Marks must be inside or touching the square so as to indicate the intent of the voter. Erasures and corrections will invalidate only that part of the ballot in which they appear.
  - If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.
- 
- 

SHALL RUBY JOHN BE RECALLED FROM THE OFFICE OF UPPER RAILBELT  
REGIONAL SCHOOL BOARD, SEAT G?

Yes  No

Grounds set forth in the recall petition for the recall of Ruby John are as follows:

- (1) a new position of Assistant Superintendent has been approved by the Board;
- (2) the new school budget has allocated funds for a computer.

Statement by Ruby John: No statement supplied.

NOTICE OF RECALL ELECTION

To the qualified voters of \_\_\_\_\_ Precinct, Upper  
Railbelt Regional Educational Attendance Area (REAA #14);

Notice is given that pursuant to AS 14.08.081 and  
AS 29.28.130 and 28.29.250, an election will be held on

TUESDAY, JULY 19, 1977

BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M.

For the purpose of voting on the recall of Gary Crabb,  
Ed Frye, and Ruby John.

The boundaries of the \_\_\_\_\_ Precinct, Upper  
Railbelt Regional Educational Attendance Area are described  
as follows:

The polling place is \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

LOWELL THOMAS, JR.  
Lieutenant Governor

---

Copies of this Notice shall be posted in at least 3 conspicuous places in  
the precinct not less than 10 days before the election.

We, the undersigned, being registered voters residing in the Copper River School District do hereby petition for the recall of Mr. Julian Paul Weir, School Board Member and Chairman of the Copper River School Board. The grounds for seeking recall are misconduct in office, incompetence and failure to perform prescribed duties as more specifically set forth below.

1. Julian Paul Weir has, as Chairman of the Copper River School Board, held a Board meeting without giving proper notice thereof to the public or to all the Board members.

2. Julian Paul Weir has consistently throughout his term as Chairman and Board member abused the use of executive sessions and has conducted illegal discussions on topics not permitted in executive sessions thereby prohibiting proper public involvement.

3. Julian Paul Weir has actively prevented access to the public to public records such as the taped record of Board meetings.

4. Julian Paul Weir has consistently as a Board Member and Chairman of the Copper River School District Board encouraged and participated in the violation of the Copper River Valley Teachers Association Contract with the District.

5. Julian Paul Weir has constantly changed the Board meeting operating procedures without notice to the public in order to prevent public involvement and discussion.

6. Julian Paul Weir did on the 3rd day of January, 1978 deliberately prevent and deny public input at the Board meeting.

7. Julian Paul Weir has consistently failed to perform his prescribed duties and has failed to act in the common interest of the students and parents of the District.

All of the foregoing has occurred during the term that Julian Paul Weir has served in office which term exceeds six months.

<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>RESIDENT ADDRESS</u>	<u>DATE</u>	
2-019 G. Kenneth Roberson	<i>K. Roberson</i>	Mile 182.3 Glenn Hwy	1/19/78	✓
2-019 C. Vera Roberson	<i>Vera Roberson</i>	Mile 182.3 Glenn Hwy	1/19/78	✓
3-019 G. PAUL J BLAIR	<i>Paul J Blair</i>	GLN SOS DIV	2/3/78	
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

FOLD BALLOT TO THIS LINE

STATE OF ALASKA  
SAMPLE BALLOT

REAA No. 17 - Copper River  
Recall Election

April 18, 1978

Mark only by use of cross marks, "X", checks, or plus signs. Marks must be inside or touching the square so as to indicate the intent of the voter.

Erasures and corrections will invalidate only that part of the ballot in which they appear.

If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.

The following grounds have been submitted in petition for the recall of Julian Paul Weir from his elected office of Copper River Regional School Board, Seat C.

1. Julian Paul Weir has, as Chairman of the Copper River School Board, held a Board meeting without giving proper notice thereof to the public or to all the Board members.
2. Julian Paul Weir did on the 3rd day of January, 1978, deliberately prevent and deny public input at the Board meeting.

The following is Julian Paul Weir's rebuttal of the above grounds:

1. I have never called a meeting of the Board, all meetings are set by policy motions, the first Tuesday of each month. All special meetings and work sessions are voted by the Board as to when and where they are to be held. To my knowledge, neither did Mr. Roberson call any meetings. It is, I believe, a power of the chairman to call special meetings, but none were called by myself or Mr. Roberson.

2. Untrue. If you will take the time to check the minutes, the tapes, and or check with someone who was at the meeting, you will find that at least five people spoke out in opposition and that only four spoke in favor of the policy. Also, if you check further, I chose people from the audience who had not previously, to my knowledge, spoken before on this policy. In fact, I even let a person from Anchorage speak who, perhaps, I shouldn't have as he allegedly represented a group in direct opposition to our policy.

SHALL JULIAN PAUL WEIR BE RECALLED FROM THE OFFICE OF COPPER RIVER  
SCHOOL BOARD, SEAT C?

YES

NO

RECALL PETITION

SAM AGUIAR, School Board Member

We, the undersigned, being registered voters residing in the Copper River School District do hereby Petition for the recall of Mr. Sam Aguiar, School Board Member of the Copper River School Board. The grounds for seeking recall are misconduct in office, incompetence and failure to perform prescribed duties as more specifically set forth below.

1. Sam Aguiar has, as a Board Member of the Copper River School Board, participated in a Board meeting called without giving proper notice thereof to the public or to all the Board members.

2. Sam Aguiar has consistently throughout his term as Board Member participated in the abuse of the use of executive session and has participated in illegal discussions on topics not permitted in executive sessions thereby prohibiting proper public involvement.

3. Sam Aguiar has consistently as a Board Member of the Copper River School Board encouraged and participated in the violation of the Copper River Valley Teachers Association contract with the District.

4. Sam Aguiar has participated in the constant change of the Board meeting operating procedures without notice to the public in order to prevent public involvement and discussion.

5. Sam Aguiar did on the 3rd day of January, 1978 participate in and lead the deliberate prevention and denial of public input at the Board meeting.

6. Sam Aguiar has consistently failed to perform his prescribed duties and has failed to act in the common interest of the students and parents in the District.

All of the foregoing has occurred during the term that Sam Aguiar has served in office which term exceeds six months.

	<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>RESIDENT ADDRESS</u>	<u>DATE</u>
05-017	1. Kenneth Roberson	<i>Kenneth Roberson</i>	Mile 182.3 Glenn Highway	1/19/78
05-019	2. Vera Roberson	<i>Vera Roberson</i>	Mile 182.3 Glenn Highway	1/19/78
05-019	3. PAUL J BLAIR	<i>Paul J Blair</i>	GLW SUB DIV	2/3/78
	4.			
	5.			
	6.			
	7.			
	8.			
	9.			
	10.			
	11.			
	12.			
	13.			

FOLD BALLOT TO THIS LINE

STATE OF ALASKA  
SAMPLE BALLOT

REAA No. 17 - Copper River  
Recall Election

April 18, 1978

Mark only by use of cross marks, "X", checks, or plus signs. Marks must be inside or touching the square so as to indicate the intent of the voter.

Erasures and corrections will invalidate only that part of the ballot in which they appear.

If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.

The following grounds have been submitted in petition for the recall of Manuel F. (Sam) Aguiar from his elected office of Copper River Regional School Board, Seat A:

1. Manuel F. (Sam) Aguiar has, as a Board Member of the Copper River School Board, participated in a Board meeting called without giving proper notice thereof to the public or to all the Board members.
2. Manuel F. (Sam) Aguiar did on the 3rd day of January, 1978, participate in and lead the deliberate prevention and denial of public input at the Board meeting.

The following is Manuel F. (Sam) Aguiar's rebuttal of the above grounds:

The charges against me are not true. They are merely an effort to unseat me on a wave of emotion caused by the Boards passing of the Morality Policy.

I believe the sponsors of the recall have badly underestimated the intelligence of the people of our valley and their basic honesty.

I feel comfortable with my fate in hands such as yours.

SHALL MANUEL F. (SAM) AGUIAR BE RECALLED FROM THE OFFICE OF COPPER RIVER SCHOOL BOARD, SEAT A?

YES

NO

N O T I C E  
O F  
R E C A L L   S C H O O L   B O A R D   E L E C T I O N

To the qualified voters of \_\_\_\_\_ Precinct,  
Copper River Regional Educational Attendance Area (REAA) #17;

Notice is given that pursuant to AS 14.08.081, AS 29.28.130 and  
AS 29.28.250, an election will be held on

TUESDAY, April 18, 1978

BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M.

For the purpose of voting on the recall of J. Paul Weir, Seat C  
and Manuel F. (Sam) Aguiar, Seat A.

The boundaries of the \_\_\_\_\_ Precinct,  
Copper River Regional Educational Attendance Area are described as follows:

The polling place is \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1978.

LOWELL THOMAS, JR.  
Lieutenant Governor

---

Copies of this Notice shall be posted in at least 3 conspicuous places  
in the precinct not less than 10 days before the election.

WE, the below signed registered voters residing in REAA #4, known as the Lower Kuskokwim School District, do hereby petition for the recall, or removal, of JOERENE HOUT from the LKSD Board. We do so for the general ground of "FAILURE TO PERFORM PRESCRIBED DUTIES." We charge that Ms. Hout has failed to perform many of the duties prescribed for board members, as stated in the LKSD Board Handbook. We feel that Ms. Hout's performance has brought about a lack of confidence in her ability and willingness to fairly represent the interests and concerns of the children, parents, and communities of this District.

It is a Board member's duty to "Seek to learn the will of the people served by the School District and, within State requirements and societal needs, represent their interest in actions taken by the Board." (LKSD Board Handbook Article III, section 8, item 2.) It is a further duty to "Represent the interests of all those being served by the School District, rather than representing any portion thereof." (item 3.) Related duties state that Board members are to "Represent the Board and the School District in such a way as to promote interest, involvement, and support among the public" (item 4); "Work harmoniously with other Board members without trying either to dominate the Board or to neglect one's share of the necessary work" (item 6); "Vote and act in Board meetings for the total good of the School District and the diverse groups it serves" (item 7); and "Accept the prevailing vote on each issue and give support to implementing the resulting policy as long as it is in force" (item 8).

We list below specific instances in support of the general charge of Ms. Hout's "FAILURE TO PERFORM PRESCRIBED DUTIES," any one of which alone would be sufficient to require her removal from the LKSD Board.

1. Ms. Hout approved the sending to Washington, in mid-August, 1977, of a bilingual education plan which had not been presented to the public or approved by the Board. Furthermore, she did not report this action either to the public or to the Board, despite the fact that a public hearing and a meeting of the Board were held on August 18 and 19. In taking this action, Ms. Hout demonstrated a total lack of concern for the will of the people and their plea for information on, and input to, bilingual-bicultural education. (items 2, 3, 4, and 7.)

2. Ms. Hout received much testimony at the August 18, 1977 public hearing, regarding the strong wishes of the people for a Class A lunch program. This program was supported in public testimony at a later Board meeting in Kwigillingok on October 26th by a local nutritionist from the Yukon-Kuskokwim Health Corporation, and resolutions in its favor were passed by the Bethel Community School Committee and the Association of Village Council Presidents. Despite overwhelming public demand for this program, Ms. Hout has spoken against it in three Board meetings. In refusing to support this program and to enable the District to qualify for federal funding provided for it, Ms. Hout did not act in the interests of the children or parents of this District. (items 2, 3, 4, and 7.)

CONTINUED

3. Under public pressure in the form of a petition bearing over 700 signatures of parents in this District, Ms. Hout voted for a terminal one year contract for District Superintendent Weinberg. The Board vote was unanimous. However, Ms. Hout has failed to implement this decision in her position as Chairperson of the LKSD Board by not soliciting, or asking for, applicants for the Superintendent's position. The hiring of a superintendent on time is one of the most important legal duties of the Board. Instead of seeking qualified applicants, Ms. Hout, at a Board meeting in Kipnuk on September 13, 1977, supported a \$10,000 (or 25%) raise and increased benefits for Superintendent Weinberg. In failing to seek qualified applicants for the Superintendent's position, and supporting a raise for a Superintendent who has drawn much public criticism, Ms. Hout has shown a complete disregard for the will and best interests of the people in this District. (items 2, 3, 4, 7, and 8.)

4. During the past year, Ms. Hout has answered public requests for information with arrogance, withheld information to which the public was entitled, and misstated Board actions, reasons for Board action, and information on which Board actions were based. At Board meetings, Ms. Hout has not served as a neutral Chairperson. She has been rude and hostile to persons who have tried to speak to the Board who have opinions apparently different from her own, and she has spoken strongly for or against business being conducted without giving up chairing the meeting. Ms. Hout's conduct as a whole has served to discourage the free sharing of ideas and the taking of different positions by other Board members and of the public. (items 2, 3, 4, and 6.)

For the above reasons, we petition for the recall of Joerene Hout from the LKSD Board. We ask that you give this matter your prompt attention.

FOLD BALLOT TO THIS LINE

STATE OF ALASKA  
**SAMPLE BALLOT**

REAA No. 4 - Lower Kuskokwim

Recall Election

April 18, 1978

Mark only by use of cross marks, "X", checks, or plus signs. Marks must be inside or touching the square so as to indicate the intent of the voter.

Erasures and corrections will invalidate only that part of the ballot in which they appear.

If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.

The following grounds have been submitted in petition for the recall of Joerene Hout from her elected office of Lower Kuskokwim School District School Board, Seat F:

1. "Ms. Hout approved the sending to Washington, in mid-August, 1977, of a bilingual education plan which had not been presented to the public or approved by the Board. Furthermore, she did not report this action either to the public or to the Board, despite the fact that a public hearing and a meeting of the Board were held on August 18, and 19. In taking this action, Ms. Hout demonstrated a total lack of concern for the will of the people and their plea for information on, and input to, bilingual-bicultural education."

2. "Ms. Hout received much testimony at the August 18, 1977 public hearing, regarding the strong wishes of the people for a Class A lunch program. This program was supported in public testimony at a later Board meeting in Kwigillingok on October 26th by a local nutritionist from the Yukon-Kuskokwim Health Corporation, and resolutions in its favor were passed by the Bethel Community School Committee and the Association of Village Council Presidents. Despite overwhelming public demand for this program, Ms. Hout has spoken against it in three Board meetings. In refusing to support this program, and to enable the District to qualify for federal funding provided for it, Ms. Hout did not act in the interests of the children or parents of this District."

3. "Under public pressure in the form of a petition bearing over 700 signatures of parents in this District, Ms. Hout voted for a terminal, one year contract for District Superintendent Weinberg. The Board vote was unanimous. However, Ms. Hout has failed to implement this decision in her position as Chairperson of LKSD Board by not soliciting, or asking for, applicants for the Superintendent's position. The hiring of a superintendent on time is one of the most important legal duties of the Board. Instead of seeking qualified applicants, Ms. Hout, at a Board meeting in Kipnuk on September 13, 1977, supported a \$ 0,000 (or 25%) raise and increased benefits for Superintendent Weinberg. In failing to seek qualified applicants for the Superintendent's position, and supporting a raise for a Superintendent who has drawn such public criticism, Ms. Hout has shown a complete disregard for the will and best interests of the people in this District."

The following is Joerene Hout's rebuttal of the above grounds:

Joerene Hout has demonstrated her interests and concern for the Lower Kuskokwim School District and has, through University classes, workshops, and inservice board training, acquired the training and skills necessary to fulfill the prescribed duties of a school board member.

1. Ms. Hout is a strong supporter of parental rights in decisions that affect children and did not approve sending a bilingual plan to Washington D.C. last August.

2. Ms. Hout voted for a Class A lunch program at the September 13, 1977 Board meeting.

3. On August 19, 1977 the Board went on record that the decision regarding the Superintendent's contract would be made after evaluations were done. Ms. Hout acted within the limits set by the School Board.

SHALL JOERENE HOUT BE RECALLED FROM THE OFFICE OF LOWER KUSKOKWIM SCHOOL DISTRICT SCHOOL BOARD, SEAT F?

YES

NO

# NOTICE OF RECALL SCHOOL BOARD ELECTION

To the qualified voters of \_\_\_\_\_ Precinct,  
Lower Kuskokwim Regional Educational Attendance Area (REAA) #4;

Notice is given that pursuant to AS 14.08.08i, AS 29.28.130 and  
AS 29.28.250, an election will be held on

TUESDAY, April 18, 1978

BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M.

For the purpose of voting on the recall of Joerene Hout,  
Seat F.

The boundaries of the \_\_\_\_\_ Precinct,  
Lower Kuskokwim Regional Educational Attendance Area are described as  
follows:

The polling place is \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1978.

LOWELL THOMAS, JR.  
Lieutenant Governor

---

Copies of this Notice shall be posted in at least 3 conspicuous places  
in the precinct not less than 10 days before the election.

**Sec. 29.28.050. Election contest and appeal.** (a) The assembly or council may provide by ordinance the time and procedure for the contest of an election.

(b) Unless otherwise provided by ordinance, an election may be contested only upon the filing, before or at the time of the first canvass of ballots by the assembly or council, by a person qualified to vote in the municipality of his written affidavit specifying with particularity the grounds for the contest or invalidity of the election.

(c) Unless otherwise provided by ordinance, the assembly or council shall declare the election results at the first meeting to canvass the election and record the results in the minutes of that meeting.

(d) The contestant shall pay all costs and expenses incurred in a recount of an election demanded by the contestant if the recount fails to reverse any result of the election or the difference between the winning and a losing vote on the result contested is more than two per cent.

(e) No person may appeal or seek judicial review of a city or borough election for any cause or reason unless the person is qualified to vote in the municipality, has exhausted his administrative remedies before the assembly or council and has commenced, within 10 days after the assembly or council has finally declared the election results, an action in the superior court in the judicial district in which the municipality is located. If no such action is commenced within the 10-day period, the election and election results shall be conclusive, final and valid in all respects. (§ 2 ch 118 SLA 1972)

**Article 2. Initiative and Referendum.**

<b>Section</b>	<b>Section</b>
60. Reservation of powers	75. Protest
62. Petition	77. New petition
65. Contents of petition	80. Presentation of initiative
70. Required signatures	90. Presentation of referendum
73. Sufficiency of petition	110. Effect

**Sec. 29.28.060. Reservation of powers.** The powers of initiative and referendum are reserved to the residents of municipalities except the powers do not extend to matters restricted by § 7, art. XI, of the state constitution. (§ 2 ch 118 SLA 1972)

Borough voters may use an initiative to acquire an areawide power for a borough which cities refuse to transfer. 1965 Op. Att'y Gen., No. 6.

**Sec. 29.28.062. Petition.** A petition for initiative or referendum is filed with the municipal clerk and an initiative petition must be filed not less than 90 days before the next regular election. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.065. Contents of petition.** A petition for an initiative or referendum shall

- (1) embrace only a single comprehensive subject;
- (2) set out fully the ordinance or resolution sought by the petition;
- (3) state upon the petition, when circulated, the date of first circulation of the petition;
- (4) contain the statement, when circulated, that the signatures on the petition must be secured within 90 days from the date of the first circulation;
- (5) have the required signatures, dates of signatures and resident addresses of the signers. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.070. Required signatures.** (a) The necessary signatures on a petition shall be secured within 90 days from the date of the first circulation of the petition. The petition shall be signed in ink or indelible pencil.

(b) Every petition for either the initiative or referendum in the government of a municipality shall be signed by a number of qualified voters residing within the territorial limits of the municipality, or, if the act sought to be initiated or referred pertains exclusively to the area outside cities or to a service area, by a number of qualified voters residing within the area outside cities or within the service area, as the case may be, equal to the following per cent of the total number of votes cast at the last general election in the city or borough or borough area concerned, or special election called for the purpose of electing city or borough officers:

- (1) 25 per cent, when a city or borough has fewer than 7,500 persons, or
- (2) 15 per cent, when a city or borough has 7,500 persons or more.

(c) When signing a petition each voter shall write or print after his signature the date of signing the petition and his resident address.

(d) Illegible signatures unless accompanied by a legible printed name may be rejected by the municipal clerk.

(e) A petition signer may withdraw his signature upon written application to the clerk within seven days after the petition has been filed with the clerk. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.073. Sufficiency of petition.** (a) Within 10 days from the filing date, the municipal clerk shall certify on the petition whether or not it is sufficient.

(b) If the petition is insufficient, it may be amended or supplemented within 10 days after the date on which the petition is rejected as insufficient.

(c) Within 10 days after supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.075. Protest.** If the municipal clerk certifies the petition is insufficient, a signer of the petition may file a protest with the municipal executive within seven days after the certification and the municipal executive shall present the protest at the next regular meeting to the assembly or council which shall hear and decide the protest. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.077. New petition.** Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition may not be filed sooner than six months after a petition is rejected. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.080. Presentation of initiative.** (a) When a petition seeks enactment of an ordinance or resolution within the powers of the assembly or council and not otherwise restricted by § 60 of this chapter, the clerk shall present it to the assembly or council at its next meeting after certification. The assembly or council may reject the petition if the subject matter of the initiative or referendum is within the restrictions of § 60 of this chapter.

(b) Unless the petition is granted within 30 days of its submission to the assembly or council, the clerk shall, with the assistance of the municipal attorney, prepare an ordinance or resolution to implement the petition and shall submit it to the voters at the next regular election. The ordinance or resolution shall be published in full in the notice of election but may be summarized on the ballot to indicate clearly the proposal submitted.

(c) If a majority of those voting favor the proposal, it becomes effective when the election results are officially declared.

(d) The assembly or council may at any time not less than 10 days from the date of election adopt an ordinance or resolution to implement the petition. In that event an election shall not be held. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.090. Presentation of referendum.** (a) When a petition seeks a referendum vote on an ordinance or resolution, the clerk shall submit the ordinance to the voters of the municipality at the next regular or special election. If no regular or special election occurs within 75 days of the filing of a sufficient petition with the clerk, the assembly or council shall hold a special election within 75 days of filing.

(b) If a sufficient petition for referendum is filed within 30 days after final passage of the ordinance, or before the effective date of the ordinance, the ordinance against which the petition is filed

shall be suspended pending the referendum on the ordinance. During the period of suspension the assembly or council may not enact an ordinance substantially similar to the suspended ordinance but may repeal the suspended ordinance.

(c) If a majority of those voting favor the referendum legislation, it remains in effect. If a majority rejects the legislation, it is repealed. A municipal charter may be amended as provided in the charter or by initiative and referendum as provided in §§ 60—110 of this chapter. (§ 2 ch 118 SLA 1972; am: § 10 ch 147 SLA 1972)

Effect of amendment — The 1972 1972, inserted “assembly or” in the amendment, effective September 10, last sentence of subsection (b).

**Sec. 29.28.110. Effect.** (a) The assembly or council may not, within two years, act in any way to modify or negate the effect of a successful initiative or referendum. If an ordinance against which a referendum is directed has been repealed by the assembly or council after a petition has been filed but before the referendum, the council or assembly may not enact substantially similar legislation for a period of one year after repeal.

(b) An unsuccessful initiative or referendum precludes the filing of a new petition for the same purpose sooner than six months after voter disapproval of the initiative or referendum. (§ 2 ch 118 SLA 1972)

**Article 3. Recall.**

<b>Section</b>	<b>Section</b>
130. Recall	200. Election
140. Grounds	210. Form of recall ballots
150. Petition	220. Election procedure
160. Examination for sufficiency	230. Majority required
170. Supplemental petition	240. Effect
180. New petition	250. Election of successor
190. Submission	

**Sec. 29.28.130. Recall.** An elected official of a home rule or general law municipality may be recalled by the voters after he has served six months in office. (§ 2 ch 118 SLA 1972)

**Section applies to city school board member.**—A member of a city school board is an elected public official of an incorporated municipality, within the meaning of this section, to the same extent as a city councilman, and thus is subject to the recall provisions contained in this section. *Blue v. Stockton*, Sup. Ct. Op. No. 15 (File No. 7), 355 P.2d 395 (1960).

**Sec. 29.28.140. Grounds.** Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.150. Petition.** (a) A petition seeking recall of one or more municipal officials is filed with the municipal clerk. The petition shall contain

(1) the signatures and resident addresses of a number of voters as prescribed in § 70(b) of this chapter for initiative and referendum;

(2) the date each voter signed the petition; and

(3) a statement of the grounds of the recall stated with particularity as to specific instances.

(b) A petition for recall must be filed with the clerk within 60 days after the date of the earliest signature on the petition. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.160. Examination for sufficiency.** The municipal clerk shall review the petition for content and signatures and shall certify on the petition within 10 days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his signature upon written application to the clerk. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.170. Supplemental petition.** (a) If the petition is rejected because of insufficient signatures, it may be supplemented by additional signatures within 10 days after the date of rejection. If the petition is insufficient for any other reason, it shall be rejected and filed as a public record.

(b) Within 10 days after supplementary filing, the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.180. New petition.** Failure to secure sufficient signatures does not preclude the filing of a new recall petition. However, a new petition may not be filed sooner than six months after a petition is rejected. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.190. Submission.** If a recall petition is sufficient, the clerk shall immediately submit it to the assembly or council. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.200. Election.** (a) If a regular election occurs within 75 days of the submission, the assembly or council shall submit the recall at that election.

(b) If no regular election will occur within 75 days, the assembly or council shall hold a special election within 75 days of submission.

(c) If a vacancy occurs in the office after a recall petition is filed, the petition shall not be submitted to the voters. (§ 2 ch 118 SLA 1972)

§  
S  
(  
(  
is f  
20 c  
(  
call  
SLA  
  
Se  
reca  
1972  
  
Se  
tion  
  
Se  
recal  
filed  
SLA  
  
Sec  
cer, t  
unexp  
than  
regula  
tion,  
regula  
the re  
called  
118 SL  
  
C  
  
Article  
1. Scop  
2. Asse  
3. Educ  
4. Plan  
5. Addit  
  
Section  
10. Scop  
  
Sec.  
exercise

**Sec. 29.28.210. Form of recall ballots.** A recall ballot contains:

- (1) the grounds as stated in the recall petition;
- (2) the officer's statement of 200 words or less, if the statement is filed with the clerk for publication and public inspection within 20 days before the election;
- (3) the following question: "Shall (name of person) be recalled from the office of (office)? Yes [ ] No [ ]". (§ 2 ch 118 SLA 1972)

**Sec. 29.28.220. Election procedure.** Procedures for conducting a recall election are those of a regular election. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.230. Majority required.** A majority vote on the question is required to recall an officer. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.240. Effect.** If an incumbent is not recalled at the recall election, a petition to recall the same incumbent may not be filed sooner than six months after the recall election. (§ 2 ch 118 SLA 1972)

**Sec. 29.28.250. Election of successor.** If the voters recall an officer, the clerk shall conduct an election for a successor to fill the unexpired term. The election shall be held at least 10 but not more than 45 days from the date of the recall election. However, if a regular or special election occurs within 75 days of the recall election, the successor to the recalled official shall be chosen at that regular or special election. The procedures and requirements for the regular election for the office from which the incumbent is recalled apply to the election conducted under this section. (§ 2 ch 118 SLA 1972)

### Chapter 33. Areawide Borough Powers and Duties.

#### Article

1. Scope (§ 29.33.010)
2. Assessment and Collection of Taxes (§ 29.33.030)
3. Education (§ 29.33.050)
4. Planning, Platting and Zoning (§§ 29.33.070—29.33.245)
5. Additional Areawide Powers (§§ 29.33.250—29.33.290)

#### Article 1. Scope.

##### Section

10. Scope of areawide powers

**Sec. 29.33.010. Scope of areawide powers.** (a) Boroughs shall exercise the powers as specified and in the manner specified in this

**Sec. 15.45.470. Provision and scope for use of recall.** The governor, the lieutenant governor, and members of the state legislature are subject to recall by the voters of the state or the political subdivision from which elected. (§ 9.71 ch 83 SLA 1960)

**Am. Jur. reference.** — 28 Am. Jur., Initiative, Referendum and Recall, §§ 47 to 66.

**Sec. 15.45.480. Filing application.** The recall of the governor or a member of the state legislature is proposed by filing an application with the lieutenant governor. The recall of the lieutenant governor is proposed by filing an application with the attorney general, who shall perform the duties imposed on the lieutenant governor in the recall of other elected state officials. A deposit of \$100 must accompany the application. This deposit will be retained if a petition is not properly filed. If a petition is properly filed the deposit shall be refunded. (§ 9.72 ch 83 SLA 1960; am § 24 ch 125 SLA 1962)

**Sec. 15.45.490. Time of filing application.** No application may be filed during the first 120 days of the term of office of any state public official subject to recall. (§ 9.73 ch 83 SLA 1960)

**Sec. 15.45.500. Form of application.** The application shall include (1) the name and office of the person to be recalled, (2) the grounds for recall described in particular in not more than 200 words, (3) a statement that the sponsors are qualified voters who signed the application with the statement of grounds for recall attached, (4) the designation of a recall committee of three sponsors who shall represent all sponsors and subscribers in matters relating to the recall, (5) the appointment of at least 100 qualified voters who subscribe to the application as sponsors for purposes of circulation, and (6) the signatures and addresses of qualified voters equal in number to 10 per cent of those who voted in the preceding general election in the state or in the senate or electoral district of the official sought to be recalled. (§ 9.74 ch 83 SLA 1960)

**Sec. 15.45.510. Grounds for recall.** The grounds for recall are (1) lack of fitness, (2) incompetence, (3) neglect of duties, or (4) corruption. (§ 9.75 ch 83 SLA 1960)

**Sec. 15.45.520. Manner of notice.** Notice on all matters pertaining to the application and petition may be served on any member of the recall committee in person or by mail addressed to a committee member as indicated on the application. (§ 9.76 ch 83 SLA 1960)

**Sec. 15.45.530. Notice of the number of voters.** The lieutenant governor, upon request, shall notify the recall committee of the official number of persons who voted in the preceding general election in the state or in the senate or election district of the official to be recalled. (§ 9.77 ch 83 SLA 1960)

**Sec. 15.45.540. Review of application.** The lieutenant governor shall review the application and shall either certify it or notify the recall committee of the grounds of refusal. (§ 9.78 ch 83 SLA 1960)

**Sec. 15.45.550. Bases of denial of certification.** The lieutenant governor shall deny certification if he determines that (1) the application is not substantially in the required form, (2) the application was filed during the first 120 days of the term of office of the official subject to recall or within less than 180 days of the termination of the term of office of any official subject to recall, (3) the person named in the application is not subject to recall, or (4) there is an insufficient number of qualified subscribers. (§ 9.79 ch 83 SLA 1960)

**Sec. 15.45.560. Preparation of petition.** If the lieutenant governor certifies the application, he shall prescribe the form of, and prepare, a petition containing (1) the name and office of the person to be recalled, (2) the statement of the grounds for recall included in the application, (3) the statement of warning required in § 570 of this chapter, (4) sufficient space for signatures and addresses, and (5) other specifications prescribed by the lieutenant governor to assure proper handling and control. Petitions, for purposes of circulation, shall be prepared by the lieutenant governor in a number reasonably calculated to allow full circulation throughout the state or throughout the senate or election district of the official sought to be recalled. The lieutenant governor shall number each petition and shall keep a record of the petitions delivered to each sponsor. (§ 9.80 ch 83 SLA 1960)

**Sec. 15.45.570. Statement of warning.** Each petition and duplicate copy shall include a statement of warning that a person who signs a name other than his own to the petition, or who knowingly signs his name more than once for the same proposition at one election, or who signs the petition knowing he is not a qualified voter, upon conviction is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both. (§ 9.81 ch 83 SLA 1960)

**Sec. 15.45.580. Circulation by sponsor.** The petitions may be circulated only by a sponsor and only in person throughout the state or senate or election district represented by the official sought to be recalled. (§ 9.82 ch 83 SLA 1960)

**Sec. 15.45.590. Manner of signing and withdrawing name from petition.** Any qualified voter may subscribe to the petition by signing his name and address. A person who has signed the petition may withdraw his name only by giving written notice to the lieutenant governor before the date the petition is filed. (§ 9.83 ch 83 SLA 1960)

**Sec. 15.45.600. Certification of sponsor.** Before being filed, each petition shall be certified by an affidavit by the sponsor who personally circulated the petition. The affidavit shall state in substance that (1) the

person signing the affidavit is a sponsor, (2) the person is the only circulator of that petition or copy, (3) the signatures were made in his actual presence, and (4) to the best of his knowledge, the signatures are those of the persons whose names they purport to be. In determining the sufficiency of the petition, the lieutenant governor shall not count subscriptions on petitions not properly certified. (§ 9.84 ch 83 SLA 1960)

**Sec. 15.45.610. Filing of petition.** No petition may be filed within less than 180 days of the termination of the term of office of a state public official subject to recall. The sponsor may file the petition only if signed by qualified voters equal in number to 25 per cent of those who voted in the preceding general election in the state or in the senate or election district of the official sought to be recalled. (§ 9.85 ch 83 SLA 1960)

**Sec. 15.45.620. Review of petition.** Within 30 days of the date of filing, the lieutenant governor shall review the petition and shall notify the recall committee and the person subject to recall whether the petition was properly or improperly filed. (§ 9.86 ch 83 SLA 1960)

**Sec. 15.45.630. Bases for determining the petition was improperly filed.** The lieutenant governor shall notify the committee that the petition was improperly filed if he determines that (1) there is an insufficient number of qualified subscribers, or (2) the petition was filed within less than 180 days of the termination of the term of office of the official subject to recall. (§ 9.87 ch 83 SLA 1960)

**Sec. 15.45.640. Submission of supplementary petition.** Upon receipt of notice that the filing of the petition was improper, the committee may amend and correct the petition by circulating and filing a supplementary petition within 20 days of the date that notice was given, if filed within less than 180 days of the termination of the term of office of the person subject to recall. (§ 9.88 ch 83 SLA 1960)

**Sec. 15.45.650. Calling special election.** If the lieutenant governor determines the petition is properly filed and if the office is not vacant, he shall prepare the ballot and shall call a special election to be held on a date not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed. If a primary or general election is to be held not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed, the special election shall be held on the date of the primary or general election. (§ 9.89 ch 83 SLA 1960; am § 37 ch 69 SLA 1970)

**Legislative committee report.** — For 1970 House Journal Supplement No. 2, p. 7. report on ch. 69, SLA 1970 (HB 564), see

**Sec. 15.45.660. Preparation of ballot.** The ballot shall be designed with the question of whether the public official shall be recalled, placed on the ballot in the following manner: "Shall (*name of official*) be

recalled from the office of . . . .?". Provision shall be made for marking the question "Yes" or "No." (§ 9.90 ch 83 SLA 1960)

**Sec. 15.45.670. Conduct of special election.** Unless specifically provided otherwise, all provisions regarding the conduct of a general election shall govern the conduct of a special election for the recall of a state public official, including but not limited to, provisions concerning voter qualification; provisions regarding duties, powers, rights and obligations of the lieutenant governor, of other election officials, and of cities and organized boroughs; provision for notification of the election; provision for the payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for counting, canvassing, and certification of returns; provision for the determination of votes and of recount contests and court appeal; and provisions for absentee voting and the use of voting machines. (§ 9.91 ch 83 SLA 1960)

**Sec. 15.45.680. Display of bases for and against recall.** The lieutenant governor shall provide each election board in the state or in the senate or election district of the person subject to recall with 10 copies of the statement of the grounds for recall included in the application and 10 copies of the statement of not more than 200 words made by the official subject to recall in justification of his conduct in office. The person subject to recall may provide the lieutenant governor with his statement within 10 days after the date the lieutenant governor gave notification that the petition was properly filed. The election board shall post three copies of the statements for and against recall in three conspicuous places in the polling place. (§ 9.92 ch 83 SLA 1960)

**Sec. 15.45.690. Certification of election results.** If a majority of the votes cast on the question of recall favor the removal of the official, the lieutenant governor shall so certify and the office is vacant on the day after the date of certification. (§ 9.93 ch 83 SLA 1960)

**Sec. 15.45.700. Filling vacancy.** A vacancy caused by a recall is filled as a vacancy caused by any other means is filled. (§ 9.94 ch 83 SLA 1960)

**Sec. 15.45.710. Insufficiency of grounds, application, or petition.** No recall submitted to the voters shall be held void because of the insufficiency of the grounds, application, or petition by which the submission was procured. (§ 9.95 ch 83 SLA 1960)

**Sec. 15.45.720. Judicial review.** Any person aggrieved by a determination made by the lieutenant governor may bring an action to have the determination reviewed within 30 days of the date on which notice of determination was given by any appropriate remedy in the superior court. (§ 9.96 ch 83 SLA 1960)