

a husband, wife, or children, him or her surviving; and when any sum is collected it must be distributed by the plaintiff as if it were un-
bequeathed assets left in his hands, after pay-
ment of all debts and expenses of administra-
tion, and when he or she leaves no husband,
wife, or children, him or her surviving, the
amount recovered shall be administered as
other personal property of the deceased person;
but the plaintiff may deduct therefrom the ex-
penses of the action, to be allowed by the
proper court upon notice, to be given in such
manner and to such persons as the court deems
proper.

Distribution.

Approved March 23, 1949.

CHAPTER 90

AN ACT

[H. B. 99]

Providing for the recall of all municipal officials elected for a term of office exceeding one year; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. OFFICIALS SUBJECT TO RECALL.
Every municipal official elected for a term of office for more than one year is subject, as herein provided, to recall for malfeasance, misfeasance, or nonfeasance in office by the voters of the municipality in which elected, however, no such official shall be subject to a recall until he has served at least nine months of his term of office.

Signatures required.

Section 2. PROVISIONS FOR RECALL. A petition of legal voters equal in number to twenty-five per cent of the number of persons voting in the election wherein the municipal official was elected may be filed with the judge of the district court presiding in the judicial division in which the municipality is located for the purpose of demanding a recall election. The recall petition shall include the following information:

List reasons.

(a) A full statement listing the reason or reasons for the recall.

Signatures under oath.

(b) Each signator shall sign the petition under oath that he (or she) is a legal and qualified voter in the municipality, and that he (or she), to the best of his (or her) knowledge and belief declares the statement set forth in the petition for recall is true and correct.

Limitation on municipal employees.

Section 3. CIRCULATION OF PETITION. No elected official of the municipality or employee of the municipality shall sign or circulate any such petition, and if any such disqualified person shall sign such petition, his (or her) name shall not be counted thereon, and if any such disqualified person shall circulate such a petition any election held by reason of the filing of such petition may be declared void by the district court, but shall not be deemed invalid unless so declared.

Time for recall election.

Section 4. WHEN RECALL ELECTIONS MAY BE HELD. The district judge shall within ten days after receipt of a recall petition, complying with the provisions of this Act, cause a recall election to be held by notifying the municipal clerk to hold such election, however, any recall election must be held at least sixty days prior to the next general municipal election. The municipal ordinance governing special elections shall govern the recall election and all expenses of such election shall be paid by the municipality.

Section 5. RECALL BALLOT. The recall ballot shall include the following:

(a) Reason or reasons for recall.

(b) Full name of official petitioned for recall and the office he holds.

Form and contents of ballot.

(c) A square space inviting the voter to vote "for recall", and a square space inviting the voter to vote "against recall".

Section 6. NUMBER OF VOTES NECESSARY FOR RECALL. The votes cast for recall must be in the majority of those voting at the recall election and they must be not less than 65% majority of the votes cast for such recall.

Percentage necessary for recall.

Section 7. FILING VACANCY. Territorial laws providing for the filling of vacancies in municipal offices now in effect shall prevail in filling a vacancy caused by such a declaration of the district court as a result of a recall election, provided that no person so recalled shall be eligible for municipal office for two years after such declaration of recall by the District Court.

Filling vacancy after recall.

Section 8. EMERGENCY CLAUSE. An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval.

Emergency clause.

Approved March 23, 1949.