

STATE OF ALASKA
HOUSE OF REPRESENTATIVES

1977

Source

CSHR 5 am

House
Resolve No.

5



Relating to representation of District 16 in the Alaska State House of Representatives.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

WHEREAS the general election for representative from House District 16 has been set aside by the superior court of the State of Alaska; and

WHEREAS the Constitution of the State of Alaska in art. II, sec. 4, states: "A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made the governor shall fill the vacancy by appointment."; and

WHEREAS the statute establishing procedure for appointments provides in AS 15.60.010(19) that:

"(19) 'vacancy' exists in an office when the person elected or appointed to the office resigns, retires, dies, is recalled, is rejected by majority vote on the question at an election, is convicted of a corrupt practice, is removed by impeachment or is expelled."; and

WHEREAS the contingency of an election being set aside by a court is not included in that definition; and

WHEREAS the governor has submitted the name of Martin Severson to fill the District 16 seat; and

WHEREAS under art. II, sec. 12 of the Constitution of the State of Alaska, which provides that "... Each [house] is the judge of the election and qualifications of its members...", the House has a right and duty to consider, and has duly considered, the matter;

BE IT RESOLVED that the House of Representatives having duly considered the questions relating to the District 16 seat finds:

(1) that the superior court of the State of Alaska, First Judicial District, acting in accordance with AS 15.20.560, in the case of McGill v. Thomas, Docket No. 76-1022, declared the general election to the House of Representatives conducted November 2, 1976 void, set aside the election, and, further, the court in its own discretion ordered that the lieutenant governor conduct a new election for this seat;

(2) that the House, although retaining its constitutional right to judge the election and qualifications of its members, has chosen in this instance not to challenge the decision of the court, and therefore District 16 is not represented in the House;

(3) that the lieutenant governor has informed the House that this election will be conducted on March 1, 1977;

(4) that the governor has submitted the name of Martin Seversen to represent District 16 until the person elected at the special election has taken the oath of office;

(5) that Martin Seversen is a qualified voter of the State of Alaska, has been a resident of the state for more than three years, has been a resident of District 16 for more than one year, and is over 21 years of age; and be it

FURTHER RESOLVED that the House of Representatives concludes that Martin Seversen may sit as the member of the House from District 16 until the person elected at the special election has taken the oath of office.