



# LAWS OF ALASKA

1998

**Source**

HCS SB 307(RLS) am H

**Chapter No.**

30

**AN ACT**

Relating to conditions for filling vacancies in the office of United States senator; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

**Veto Overridden:** May 8, 1998

**Actual Effective Date:** May 9, 1998

AN ACT

1 Relating to conditions for filling vacancies in the office of United States senator; and  
2 providing for an effective date.

3

4 \* Section 1. AS 15.40.010 is amended to read:

5 **Sec. 15.40.010. Conditions and time of filling vacancy by appointment and**  
6 **special election.** When a vacancy occurs in the office of United States senator, the  
7 governor, within 30 days **after the date of the vacancy,** shall

8 **(1) appoint a qualified person who, if the predecessor in office was**  
9 **nominated by a political party, has been, for the six months before the date of the**  
10 **vacancy and is on the date of appointment, a member of the same political party**  
11 **as that which nominated the predecessor in office to fill the vacancy temporarily**  
12 **until the vacancy is filled permanently by election; and**

13 **(2) by proclamation and subject to this chapter, call a special**  
14 **primary election and a special election to fill the vacancy for [ . HOWEVER, IF]**

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1 the remainder of the term of the predecessor in office if the predecessor's term would  
2 [WILL] expire more than 30 calendar months after the date of [OR IF THE  
3 VACANCY WILL BE FILLED BY A SPECIAL ELECTION BEFORE THE SENATE  
4 WILL NEXT MEET, CONVENE, OR RECONVENE, THE GOVERNOR MAY NOT  
5 FILL] the vacancy.

6 \* Sec. 2. AS 15.40.050 is amended to read:

7 **Sec. 15.40.050. Date of special primary election and special election. (a)**  
8 The special primary election to determine a candidate who represents a political  
9 party in a special election shall be held on the date of the first primary election  
10 that is held more than 30 days after the vacancy occurs.

11 (b) The special election to fill the vacancy shall be held on the date of the first  
12 general election that [WHICH] is held [MORE THAN THREE FULL CALENDAR  
13 MONTHS] after the first primary election that is held more than 30 days after the  
14 vacancy occurs.

15 \* Sec. 3. AS 15.40 is amended by adding a new section to read:

16 **Sec. 15.40.075. Determination of candidates; date of nominations. (a)**  
17 Subject to (b) - (d) of this section, candidates for the special election shall be  
18 nominated as provided in AS 15.25.

19 (b) Notwithstanding AS 15.25.040, the declaration of a member of a political  
20 party who seeks to become a candidate of the party in the special primary election  
21 under AS 15.40.010 is filed by either the actual physical delivery (1) of the declaration  
22 in person or by mail at or before 5:00 p.m., prevailing time, on the third day following  
23 the proclamation; or (2) by telegram or other reliable electronic means of a copy in  
24 substance of the statements made in paragraphs (1) - (5) of the declaration as required  
25 by AS 15.25.030(a) at or before 5:00 p.m., prevailing time, on the third day following  
26 the proclamation and also the actual physical delivery of the declaration containing  
27 paragraphs (1) - (16) as required by AS 15.25.030(a) to the United States Postal  
28 Service for delivery by the most expeditious means possible. If the declaration is not  
29 received within seven calendar days, the candidate shall be notified of nonreceipt. The  
30 candidate shall have the opportunity to refile the declaration with proof that a previous  
31 declaration has been filed in a timely manner and in accordance with law.

1 (c) Notwithstanding AS 15.25.150, an individual who will not be representing  
2 a political party shall be nominated by petition transmitted to the director before the  
3 21st day after the vacancy occurs by

4 (1) the actual physical delivery of the petition in person;

5 (2) mail postmarked not later than midnight of that date; or

6 (3) telegram of a copy in substance of the statements made in the  
7 petition.

8 (d) The director shall place on the special election ballot the name of the  
9 individual receiving the greatest number of votes by a political party in the special  
10 primary election under AS 15.40.010. For purposes of placement of the names of  
11 nominees on the special election ballot under this section, all candidates who properly  
12 file nominating petitions without designating a political group name shall be treated  
13 as candidates of the same political group.

14 \* Sec. 4. AS 15.40.130 is amended to read:

15 **Sec. 15.40.130. General provision for conduct of special election.** Unless  
16 specifically provided otherwise, all provisions regarding the conduct of the general  
17 election shall govern the conduct of the special election of United States senators, **and**  
18 **all provisions regarding the conduct of the primary election shall govern the**  
19 **conduct of the special primary election of United States senators,** including, but not  
20 limited to, provisions concerning voter qualifications; provisions regarding the duties,  
21 powers, rights and obligations of the director, of other election officials, and of cities  
22 and organized boroughs; provision for notification of the election; provision for  
23 payment of election expenses; provisions regarding employees being allowed time from  
24 work to vote; provisions for the counting, reviewing, and certification of returns;  
25 provisions for the determination of the votes and of recounts, contests, and appeal; and  
26 provision for absentee voting.

27 \* Sec. 5. AS 15.40 is amended by adding a new section to article 1 to read:

28 **Sec. 15.40.135. Definition.** In AS 15.40.010 - 15.40.135, "special primary  
29 election" means an election under AS 15.40.010 for the purpose of determining who  
30 will represent a political party in a special election to fill a vacancy of United States  
31 senator.

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- 1     \* **Sec. 6.** AS 15.40.030, 15.40.040, 15.40.080, 15.40.090, 15.40.100, 15.40.110, and
- 2     15.40.120 are repealed.
- 3     \* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).