

**HOUSE BILL NO. 236**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES CRAWFORD, Buch, Cissna, Doogan, Gara, Gardner, Gruenberg, Guttenberg, Holmes, Kawasaki, Kerttula, Petersen, Salmon, Tuck**

**Introduced: 4/16/09**

**Referred: State Affairs, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to filling a vacancy in the state legislature by a special election and to**  
2 **restrictions on legislative fundraising associated with that special election."**

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

4 **\* Section 1.** AS 15.13.072(d) is amended to read:

5 (d) **Except as provided under (i) of the section, while** [WHILE] the  
6 legislature is convened in a regular or special legislative session, a legislator or  
7 legislative employee may not solicit or accept a contribution to be used for the purpose  
8 of influencing the outcome of an election under this chapter unless

9 (1) it is an election in which the legislator or legislative employee is a  
10 candidate and the contribution is for that legislator's or legislative employee's  
11 campaign;

12 (2) the solicitation or acceptance occurs during the 90 days  
13 immediately preceding that election; and

14 (3) the solicitation or acceptance occurs in a place other than the

1 capital city or a municipality in which the legislature is convened in special session if  
2 the legislature is convened in a municipality other than the capital city.

3 \* **Sec. 2.** AS 15.13.072 is amended by adding a new subsection to read:

4 (i) Notwithstanding (d) of this section, when a vacancy occurs in the state  
5 legislature, a legislator may, on or after the date of the proclamation of the special  
6 election to fill that office under AS 15.40.321,

7 (1) solicit or accept a contribution or a promise or pledge to make a  
8 contribution for the legislator's own campaign for the legislative office to be filled  
9 under AS 15.40.321 on a day when either house of the legislature is in regular or  
10 special session;

11 (2) accept money from an event held on a day when either house of the  
12 legislature is in regular or special session if a substantial purpose of the event is to  
13 raise money on behalf of the legislator's own campaign for the legislative office to be  
14 filled under AS 15.40.321; or

15 (3) in a campaign for that legislative office to be filled under  
16 AS 15.40.321, expend money that was raised on a day when either house of the  
17 legislature was in a legislative session by or on behalf of the legislator under a  
18 declaration of candidacy or a general letter of intent to become a candidate for the  
19 office.

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

21 **Sec. 15.40.321. Condition and time of calling special election.** When a  
22 vacancy occurs in the state legislature, the governor shall, by proclamation, call a  
23 special election to be held on a date not fewer than 60 days and not more than 90 days  
24 after the date the vacancy occurs. However, if the vacancy occurs on a date that is  
25 fewer than 60 days before, or is on or after the date of, the primary election in a  
26 general election year in which a candidate to fill the office is regularly elected, the  
27 governor may not call a special election.

28 \* **Sec. 4.** AS 15.40.410 is amended to read:

29 **Sec. 15.40.410. Term of elected senator or representative.** At the special  
30 election a state senator or state representative shall be elected to fill the remainder of  
31 the unexpired term and shall take office on the date the state senate or state house

1 first convenes or reconvenes following the certification of the results of the special  
2 election by the director.

3 \* **Sec. 5.** AS 15.40.420 is amended to read:

4 **Sec. 15.40.420. Selection of nominees in manner provided for general**  
5 **election.** If the vacancy in the office of state senator or state representative occurs **60**  
6 **days** [ONE CALENDAR MONTH] or more before the filing date for the primary  
7 election, candidates for the special election shall be nominated in the manner provided  
8 for the nomination of candidates for general elections.

9 \* **Sec. 6.** AS 15.40.430 is amended to read:

10 **Sec. 15.40.430. Designation of nominees by petition.** If the vacancy occurs  
11 **fewer** [LESS] than **60 days** [ONE CALENDAR MONTH] before the filing date and  
12 more than three calendar months before the next general election, candidates shall be  
13 nominated by petition transmitted by (1) the actual physical delivery of the petition in  
14 person; (2) by mail postmarked not later than midnight of the filing date; or (3) by  
15 telegram of a copy in substance of the statements made in the petition to the director  
16 before the 21st day after the vacancy occurs [SEPTEMBER 2 JUST BEFORE THE  
17 SPECIAL ELECTION].

18 \* **Sec. 7.** AS 15.40.450 is amended to read:

19 **Sec. 15.40.450. Requirements of petition by political party.** Petitions for the  
20 nomination of candidates of political parties shall state in substance that the party  
21 desires and intends to support the named candidate for the office of state senator or  
22 state representative, as appropriate, at the special election and requests that the  
23 name of the candidate be placed on the ballot.

24 \* **Sec. 8.** AS 15.40.470 is amended to read:

25 **Sec. 15.40.470. General provision for conduct of special election.** Unless  
26 specifically provided otherwise, all provisions regarding the conduct of the general  
27 election shall govern the conduct of the special election of state senators or state  
28 representatives, including provisions concerning voter qualifications; provisions  
29 regarding the duties, powers, rights, and obligations of the director, of other election  
30 officials, and of municipalities; provision for notification of the election; provision for  
31 payment of election expenses; provisions regarding employees being allowed time

1 from work to vote; provisions for the counting, reviewing, and certification of returns;  
 2 provisions for the determination of the votes and of recounts, contests, and appeal; and  
 3 provision for absentee voting.

4 \* **Sec. 9.** AS 24.60.031(b) is amended to read:

5 (b) **Except as provided under (d) of this section, a** [A] legislator may not

6 (1) on a day when either house of the legislature is in regular or special  
 7 session, solicit or accept a contribution or a promise or pledge to make a contribution

8 (A) for the legislator's own campaign for state or municipal  
 9 public office, unless the solicitation, acceptance, promise, or pledge occurs in a  
 10 place other than the capital city or a municipality in which the legislature is  
 11 convened in special session if the legislature is convened in a municipality  
 12 other than the capital city during the 90 days immediately preceding the  
 13 election in which the legislator is a candidate;

14 (B) for another candidate in an election for municipal, state, or  
 15 federal office;

16 (C) to influence a state ballot proposition or question; or

17 (D) for a political party;

18 (2) accept money from an event held on a day when either house of the  
 19 legislature is in regular or special session if a substantial purpose of the event is to  
 20 raise money on behalf of the legislator's campaign for state or municipal public office;  
 21 however, this paragraph does not prohibit a legislator from accepting money from an  
 22 event held in a place other than the capital city or a municipality in which the  
 23 legislature is convened in special session if the legislature is convened in a  
 24 municipality other than the capital city during the 90 days immediately preceding a  
 25 state or municipal election in which the legislator is a candidate; or

26 (3) in a campaign for state or municipal office, expend money that was  
 27 raised on a day when either house of the legislature was in a legislative session by or  
 28 on behalf of a legislator under a declaration of candidacy or a general letter of intent to  
 29 become a candidate for public office; however, this paragraph does not apply to  
 30 money raised in a place other than the capital city or a municipality in which the  
 31 legislature is convened in special session if the legislature is convened in a

1 municipality other than the capital city during the 90 days immediately preceding an  
2 election in which the legislator is a candidate.

3 \* **Sec. 10.** AS 24.60.031 is amended by adding a new subsection to read:

4 (d) Notwithstanding (b) of this section, when a vacancy occurs in the state  
5 legislature, a legislator may, on or after the date of the proclamation of the special  
6 election to fill that office under AS 15.40.321,

7 (1) solicit or accept a contribution or a promise or pledge to make a  
8 contribution for the legislator's own campaign for the legislative office to be filled  
9 under AS 15.40.321 on a day when either house of the legislature is in regular or  
10 special session;

11 (2) accept money from an event held on a day when either house of the  
12 legislature is in regular or special session if a substantial purpose of the event is to  
13 raise money on behalf of the legislator's own campaign for the legislative office to be  
14 filled under AS 15.40.321; or

15 (3) in a campaign for that legislative office to be filled under  
16 AS 15.40.321, expend money that was raised on a day when either house of the  
17 legislature was in a legislative session by or on behalf of the legislator under a  
18 declaration of candidacy or a general letter of intent to become a candidate for the  
19 office.

20 \* **Sec. 11.** AS 24.60.210(a) is amended to read:

21 (a) A person required to file a disclosure statement under AS 24.60.200 shall  
22 file an annual report with the Alaska Public Offices Commission, covering the  
23 previous calendar year, containing the disclosures required by AS 24.60.200, on or  
24 before March 15 of each year, except that a person **elected** [APPOINTED] as a  
25 legislator under AS 15.40 **or appointed as** [,] a public member of the committee [,] or  
26 **as** a legislative director must file within 30 days after the person's **election or**  
27 appointment. In addition, a person subject to this subsection shall, within 90 days after  
28 leaving service as a legislator, legislative director, or public member of the committee,  
29 file a final report containing the disclosures required of the person by AS 24.60.200  
30 for the period that begins on the last day of the last period for which the person filed a  
31 report required by that section and ends on the date of the person's last day of service.

1     \* **Sec. 12.** AS 15.40.320, 15.40.330, 15.40.340, 15.40.350, 15.40.360, 15.40.370, 15.40.380,  
2     and 15.40.390 are repealed.