

Article 3. Recall.

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.

Sec. 15.45.480. Filing application.

The recall of the governor, lieutenant governor, or a member of the state legislature is proposed by filing an application with the director. A deposit of \$100 must accompany the application. This deposit shall be retained if a petition is not properly filed. If a petition is properly filed the deposit shall be refunded.

Sec. 15.45.490. Time of filing application.

An application may not be filed during the first 120 days of the term of office of any state public official subject to recall.

Sec. 15.45.500. Form of application.

The application must 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) the printed name, the signature, the address, and a numerical identifier of qualified voters equal in number to 10 percent of those who voted in the preceding general election in the state or in the senate or house district of the official sought to be recalled, 100 of whom will serve as sponsors; each signature page must include a statement that the qualified voters signed the application with the name and office of the person to be recalled and the statement of grounds for recall attached; and
- (4) the designation of a recall committee consisting of three of the qualified voters who subscribed to the application and shall represent all sponsors and subscribers in matters relating to the recall; the designation must include the name, mailing address, and signature of each committee member.

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.

Sec. 15.45.515. Designation of sponsors.

The qualified voters who subscribe to the application in support of the recall are designated as sponsors. The recall committee may designate additional sponsors by giving notice to the lieutenant governor of the names, addresses, and numerical identifiers of those so designated.

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.

Sec. 15.45.530. Notice of the number of voters.

The director, 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 house district of the official to be recalled.

Sec. 15.45.540. Review of application for certification.

The director shall review the application and shall either certify it or notify the recall committee of the grounds of refusal.

Sec. 15.45.550. Bases of denial of certification.

The director shall deny certification upon determining 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.

Sec. 15.45.560. Preparation of petition.

(a) The director shall prepare a sufficient number of sequentially numbered petitions to allow full circulation throughout the state or throughout the senate or house district of the official sought to be recalled. Each petition must contain

- (1) the name and office of the person to be recalled;
- (2) the statement of the grounds for recall included in the application;
- (3) a statement of minimum costs to the state associated with certification of the recall application, review of the recall petition, and conduct of a special election, excluding legal costs to the state and the costs to the state of any challenge to the validity of the petition;
- (4) an estimate of the cost to the state of recalling the official;
- (5) the statement of warning required in [AS 15.45.570](#);
- (6) sufficient space for the printed name, a numerical identifier, the signature, the date of signature, and the address of each person signing the petition; and
- (7) other specifications prescribed by the director to ensure proper handling and control.

(b) Upon request of the recall committee, the lieutenant governor shall report to the committee the number of persons who voted in the preceding general election in the state or in the district of the official sought to be recalled by the recall committee.

Sec. 15.45.570. Statement of warning.

Each petition must include a statement of warning that a person who signs a name other than the person's own to the petition, or who knowingly signs more than once for the same proposition at one election, or who signs the petition while knowingly not a qualified voter, is guilty of a class B misdemeanor.

Sec. 15.45.575. Qualifications of circulator.

To circulate a petition booklet, a person shall be

- (1) a citizen of the United States;
- (2) 18 years of age or older; and
- (3) a resident of the state as determined under [AS 15.05.020](#).

Sec. 15.45.580. Circulation; prohibitions.

- (a) The petitions may be circulated only in person throughout the state.
- (b) A circulator may not receive payment or agree to receive payment that is greater than \$1 a signature, and a person or an organization may not pay or agree to pay an amount that is greater than \$1 a signature, for the collection of signatures on a petition.
- (c) A person or organization may not knowingly pay, offer to pay, or cause to be paid money or other valuable thing to a person to sign or refrain from signing a petition.
- (d) A person or organization that violates (b) or (c) of this section is guilty of a class B misdemeanor.
- (e) In this section,
 - (1) "organization" has the meaning given in [AS 11.81.900](#);
 - (2) "other valuable thing" has the meaning given in [AS 15.56.030](#);
 - (3) "person" has the meaning given in [AS 11.81.900](#).

Sec. 15.45.590. Manner of signing and withdrawing name from petition.

Any qualified voter registered to vote in the district represented by the official sought to be recalled may subscribe to the petition by printing the voter's name, a numerical identifier, and an address, by signing the voter's name, and by dating the signature. A person who has signed the petition may withdraw the person's name

only by giving written notice to the director before the date the petition is filed.

Sec. 15.45.600. Certification of circulator.

Before being filed, each petition shall be certified by an affidavit by the person who personally circulated the petition. In determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted. The affidavit must state in substance

(1) that the person signing the affidavit meets the residency, age, and citizenship qualifications for circulating a petition under [AS 15.45.575](#);

(2) that the person is the only circulator of that petition;

(3) that the signatures were made in the circulator's actual presence;

(4) that, to the best of the circulator's knowledge, the signatures are the signatures of the persons whose names they purport to be;

(5) that, to the best of the circulator's knowledge, the signatures are of persons who were qualified voters on the date of signature;

(6) that the circulator has not entered into an agreement with a person or organization in violation of [AS 15.45.580\(b\)](#);

(7) that the circulator has not violated [AS 15.45.580\(c\)](#) with respect to that petition; and

(8) whether the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, and, if so, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.

Sec. 15.45.610. Filing of petition.

A petition may not 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 percent of those who voted in the preceding general election in the state or in the senate or house district of the official sought to be recalled.

Sec. 15.45.620. Review of petition.

Within 30 days of the date of filing, the director shall review the petition and shall notify the recall committee and the person subject to recall whether the petition was properly or improperly filed.

Sec. 15.45.630. Bases for determining the petition was improperly filed.

The director shall notify the committee that the petition was improperly filed upon determining 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.

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.

Sec. 15.45.650. Calling special election.

If the director determines the petition is properly filed and if the office is not vacant, the director 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.

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."

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 provisions concerning voter qualification; provisions regarding duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; 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, reviewing, and certification of returns; provision for the determination of votes and of recount contests and court appeal; and provisions for absentee voting.

Sec. 15.45.680. Statement of official subject to recall; display of grounds for and against recall.

The director shall provide each election board in the state or in the senate or house district of the person subject to recall with at least five copies of the statement of the grounds for recall included in the application and at least five copies of the statement of not more than 200 words made by the official subject to recall in justification of the official's conduct in office. The person subject to recall may provide the director with the statement within 10 days after the date the director gave notification that the petition was properly filed. The election board shall post at least one copy of the statements for and against recall in a conspicuous place in the polling place.

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 director shall so certify and the office is vacant on the day after the date of certification.

Sec. 15.45.700. Filling vacancy.

A vacancy caused by a recall is filled as a vacancy caused by any other means is filled.

Sec. 15.45.710. Insufficiency of grounds, application, or petition.

A recall submitted to the voters may not be held void because of the insufficiency of the grounds, application, or petition by which the submission was procured.

Sec. 15.45.720. Judicial review.

Any person aggrieved by a determination made by the director under [AS 15.45.470](#) — 15.45.710 may bring an action in the superior court to have the determination reviewed within 30 days of the date on which notice of determination was given.