

**STATE OF ALASKA, DIVISION OF ELECTIONS
PUBLIC INFORMATION PACKET ON RECALL OF A STATE OFFICIAL**

This packet is designed and intended to assist the public by providing general information regarding the recall process for state official recall applications and petitions. The information contained in this packet applies only to state—**not municipal**—recall processes.

This packet **is not legal advice** and should not be construed as such. Nothing in this packet should be considered a substitute for reading current, applicable provisions of law in their entirety. The State of Alaska, Division of Elections, and the Office of the Lieutenant Governor make no representations as to the accuracy or currency of the information contained in this packet.

Published Attorney General Opinions on recall can be found online at: http://www.law.state.ak.us/doclibrary/opinions_index.html or in the state law libraries. Copies of successful past applications and petitions for recall are available upon request.

All correspondence to the Director of the Division of Elections or to the Office of the Lieutenant Governor regarding recalls should be directed as follows:

Division of Elections
Director's Office
PO Box 110017
Juneau AK 99811-0017
(907) 465-4611
(866) 952-8683 (toll free within U.S.)

Office of the Lieutenant Governor
P.O. Box 110015
Juneau, AK 99811-0015
(907) 465-3520

THE CONSTITUTION OF THE STATE OF ALASKA

ARTICLE XI – INITIATIVE, REFERENDUM, AND RECALL

Section 11.1 - Initiative and Referendum.

The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

Section 11.2 - Application.

An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the lieutenant governor. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

Section 11.3 - Petition.

After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters who are equal in number to at least ten percent of those who voted in the preceding general election, who are resident in at least three-fourths of the house districts of the State, and who, in each of those house districts, are equal in number to at least seven percent of those who voted in the preceding general election in the house district, it may be filed with the lieutenant governor.

Section 11.4 - Initiative Election.

An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

Section 11.5 - Referendum Election.

A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The lieutenant governor shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

Section 11.6 - Enactment.

If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The lieutenant governor shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

Section 11.7 - Restrictions.

The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

Section 11.8 - Recall.

All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

ALASKA STATUTES ON RECALL OF A STATE OFFICIAL

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 the state public official, including but not limited to, 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. 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.

DEFINITIONS IN THE ALASKA ELECTION CODE (TITLE 15)

Sec. 15.80.010. Definitions.

In this title, unless the context otherwise requires,

- (1) "absentee uniformed services voter" has the meaning given in 42 U.S.C. 1973ff-6;
- (2) "absentee voting official" means a person appointed to serve as an absentee voting official in accordance with AS 15.20.045;
- (3) "ballot" means any document provided by the director on which votes may be cast for candidates, propositions, or questions;
- (4) "director" means the director of elections who is the chief elections officer of the state appointed in accordance with AS 15.10.105(a);
- (5) "division" means the division of elections created under AS 15.10.105;
- (6) "election board" means the board appointed in accordance with AS 15.10.120;
- (7) "election official" means election board members, members of counting or review boards, employees of the division of elections, and absentee voting officials;
- (8) "electronically generated ballot" means any ballot other than a paper ballot that is physically marked by the voter using a writing instrument or a mechanical device;
- (9) "federal election" means a general, special, special runoff, or primary election held solely or in part for the purpose of selecting, nominating or electing a candidate for the office of President, Vice-President, presidential elector, United States senator, or United States representative;
- (10) "felony involving moral turpitude" includes those crimes that are immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault, sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery device, offering a false instrument for recording, scheme to defraud, falsifying business records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape, promoting contraband, interference with official proceedings, receiving a bribe by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical evidence, hindering prosecution, terroristic threatening, riot, criminal possession of explosives, unlawful furnishing of explosives, sex trafficking, criminal mischief, misconduct involving a controlled substance or an imitation controlled substance, permitting an escape, promoting gambling, possession of gambling records, distribution of child pornography, and possession of child pornography;
- (11) "general election" means the election held on the Tuesday after the first Monday in November of even-numbered years;
- (12) "hand-counted ballot" means a ballot designated to be counted by hand in precincts where precinct tabulators are not available;

(13) "house district" means one of the districts described in art. VI, sec. 1, Constitution of the State of Alaska;

(14) "judicial district" means one of the districts defined in AS 22.10.010;

(15) "lieutenant governor" includes an appointed lieutenant governor, governor, or acting governor if a vacancy has occurred in the office of lieutenant governor or governor;

(16) "limited political party" means a political group which organizes for the purpose of selecting candidates for electors for President and Vice-President;

(17) "local election" means a regular or special election held by a borough, city, school district, or regional educational attendance area;

(18) "master register" means the list of all registered voters in the state which is maintained by the director of elections;

(19) "member of a political party" means a person who supports the political program of a party;

(20) "numerical identifier" means a voter's date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter identification number;

(21) "oath" includes affirmation;

(22) "official registration list" means the list of all voters qualified to vote at a particular election compiled in accordance with AS 15.07.125;

(23) "optically scanned ballot" means a paper ballot designed to be read by an optical scanning machine;

(24) "overseas voter" has the meaning given in 42 U.S.C. 1973ff-6;

(25) "party district committee" means the political party committee that performs the executive function for a region representing an area larger than a precinct and smaller than the state;

(26) "political group" means a group of organized voters which represents a political program and which does not qualify as a political party;

(27) "political party" means an organized group of voters that represents a political program and

(A) that nominated a candidate for governor who received at least three percent of the total votes cast for governor at the preceding general election or has registered voters in the state equal in number to at least three percent of the total votes cast for governor at the preceding general election;

(B) if the office of governor was not on the ballot at the preceding general election but the office of United States senator was on that ballot, that nominated a candidate for United States senator who received at least three percent of the total votes cast for United States senator at that

general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States senator at that general election; or

(C) if neither the office of governor nor the office of United States senator was on the ballot at the preceding general election, that nominated a candidate for United States representative who received at least three percent of the total votes cast for United States representative at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States representative at that general election;

(28) "precinct" means the territory within which resident voters may cast votes at one polling place;

(29) "precinct tabulators" means an electronic optical scanning ballot tabulation system or other tabulator designated by the director to electronically count ballots;

(30) "presidential election year" means a year in which the presidential electors are elected;

(31) "proposition" means an initiative, referendum, or constitutional amendment submitted at an election to the public for vote;

(32) "qualified voter" means a person who has the qualification of a voter and is not disqualified as provided by art. V, Sec. 2, of the state constitution and AS 15.05.030;

(33) "question" means an issue placed on the ballot to determine whether a judge or justice shall be accepted or rejected, whether a constitutional convention shall be called, whether a state debt shall be contracted, or whether a state official shall be recalled;

(34) "registration official" includes an employee of the division of elections when performing the task of voter registration and a person appointed to serve as a registration official in accordance with AS 15.07.081 or 15.07.100;

(35) "reregistration" means the submission of a registration form by a voter whose registration was inactivated on the master register maintained under AS 15.07 and the director's reactivation of that registration in accordance with that chapter; in this paragraph, "a voter whose registration was inactivated" does not include a voter whose registration was inactivated under AS 15.07.130 and whose ballot may be counted under AS 15.15.198;

(36) "senate district" means one of the districts described in art. VI, sec. 2, Constitution of the State of Alaska;

(37) "signature" or "subscription" includes a mark intended as a signature or subscription;

(38) "special election" means an election held at a time other than when the general or primary election is held and an election called to be held with, and at the time of, the general or primary election;

(39) "special runoff election" means a runoff election for a United States senator or United States representative held because no candidate for the office received over 50 percent of the votes cast at the special election for that office;

(40) "state chairperson " or "state party chairperson" means the political party official elected as the highest ranking statewide party executive;

(41) "sworn" includes affirmed;

(42) "unconditional discharge" means that a person is released from all disability arising under a conviction and sentence, including probation and parole;

(43) "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;

(44) "voter" means a person who presents oneself for the purpose of voting either in person or by absentee ballot;

(45) "voter registration agency" means an agency designated in or under AS 15.07.055.

ALASKA REGULATIONS ON INITIATIVE, REFERENDUM, AND RECALL

6 AAC 25.240. Initiative, referendum, and recall petitions

(a) Upon certification of the application for a petition, the director will prepare petition booklets for circulation by petition circulators in the general manner prescribed by AS 15.45.090, AS 15.45.320, or 15.45.560. The director will prepare and have printed 500 or less sequentially numbered official petition booklets as determined by the director to allow full circulation throughout the state or throughout the senate or house district that will be affected. The booklets will be sent, or otherwise made available for delivery, to a member of the initiative, referendum, or recall committee or the committee's designee for distribution to circulators. The committee or designee may request additional booklets. Upon the director's approval of the request, additional sequentially numbered booklets will be printed by the director and made available to committee or designee, or printed by the committee or designee in a format approved by the director. The committee or designee must pay the cost of printing additional booklets in excess of the initial booklets. If the committee or designee elects to have additional booklets printed, the first booklet from each additional printing shall be submitted to the director.

(b) Each subscriber to the petition shall provide

(1) the subscriber's printed name;

(2) a numerical identifier that can be verified against the voter's record for that subscriber;

(3) the subscriber's signature or mark;

(4) the date of the subscriber's signature or mark; and

(5) the subscriber's address.

(c) All petition booklets must be filed together as a single instrument, and must be accompanied by a written statement signed by the submitting committee member or the committee's designee acknowledging the number of booklets included in the submission.

(d) The initiative committee or the committee's designee may file the petition at any time before the close of business on the 365th day after the date that notice is given to the initiative committee that the petition booklets are ready for initial distribution. The referendum committee or the committee's designee may file the petition at any time before the close of business on the 90th day after the adjournment of the legislative session at which the act was passed. The recall committee or the committee's designee may file the petition at any time before the close of business on a date that is at least 180 days before the termination of the term of office of the state public official subject to recall. If the deadline for filing an initiative or recall petition falls on a weekend or state holiday, the deadline is the close of business on the next regular business day for the division.

(e) The petition must be filed in person, by mail, or other shipping method at any office of the division.

(f) A petition that at the time of submission contains on its face an insufficient number of booklets or signed subscriber pages required for certification will be determined by the director to have a patent defect. The director will notify the committee, in writing, of the patent defect

and provide information on resubmitting the petition, if applicable. A petition that contains a patent defect and that is filed

(1) on the deadline specified in (d) of this section will be certified as insufficient;

(2) before the deadline specified in (d) of this section will be declared incomplete and all petition booklets will be returned to the committee or designee for resubmission; the resubmitted petition must be filed by the deadline specified in (d) of this section.

(g) The signatures contained in a petition booklet filed under (c) of this section will not be counted in determining the sufficiency of the petition if the person who circulated the petition did not complete the certification affidavit for the booklet as required by AS 15.45.130 , 15.45.360, or 15.45.600.

(h) An individual signature in a petition booklet will not be counted in determining the sufficiency of the petition if the signer

(1) does not provide an address;

(2) does not sign or make a mark;

(3) does not provide a numerical identifier;

(4) unknowingly signs the petition more than one time; any additional signature will not be counted; or

(5) does not date the individual's signature.

(i) Repealed 2/28/2014.

(j) Repealed 5/14/2006.

(k) Communication with the director shall be limited to the committee. A request for information must be made in writing.

(l) In AS 15.45.010 - AS 15.45.720, for the purpose of circulating a petition, "preceding general election" means the last general election held before the date the application was filed.

History: Eff. 8/6/87, Register 103; am 7/8/88, Register 107; am 7/17/88, Register 107; am 6/21/90, Register 115; am 8/12/90, Register 115; am 12/15/99, Register 153; am 8/13/2000, Register 155; am 8/22/2004, Register 171; am 5/14/2006, Register 178; am 4/25/2008, Register 186; am 2/28/2014, Register 209

Authority: AS 15.15.010; AS 15.45.090; AS 15.45.100; AS 15.45.120; AS 15.45.130; AS 15.45.140; AS 15.45.245; AS 15.45.320; AS 15.45.330; AS 15.45.350; AS 15.45.360; AS 15.45.370; AS 15.45.400; AS 15.45.465; AS 15.45.560; AS 15.45.570; AS 15.45.590; AS 15.45.600; AS 15.45.610; AS 15.45.640

Editor's note: The street address of the director's office is 240 Main Street, Suite 400, Juneau, Alaska 99801. The mailing address of the director's office is P.O. Box 110017, Juneau, Alaska 99811-0017.

FREQUENTLY ASKED QUESTIONS: RECALL OF STATE OFFICIALS

What is the recall of a state official?

Recall is the process by which a state official is voted out of office before the expiration of his or her term (AS 15.45.470-AS 15.45.720).

What types of state officials may be recalled from office?

The governor, lieutenant governor, and members of the state legislature may be recalled from office (AS 15.45.470).

Who may recall a state official?

A state official may be recalled by the voters of the state or the political subdivision from which the official was elected (AS 15.45.470).

What are the basic steps to recalling a state official?

The three basic steps are the application, the petition, and the election.

How is the recall of a state official proposed?

The recall of a state official is proposed by filing an application with the Director of the Division of Elections (“Director”) along with a \$100 deposit (AS 15.45.480).

When may an application for the recall of a state official be filed?

An application for recall may be filed after the first 120 days of the office holder’s term and before 180 days of the end of the term (AS 15.45.490 and AS 15.45.550).

What are the requirements of an application to recall a state official?

As a general matter, the recall application must include the name and office of the person to be recalled, the grounds for recall, voter signatures, and the designation of a recall committee. Note that each of these elements has some very specific requirements which are set forth in statute (AS 15.45.500).

What are the grounds for recalling a state official?

There are four grounds for recall of a state official: lack of fitness, incompetence, neglect of duties, and corruption (AS 15.45.510).

What happens after the recall application is filed?

The application is reviewed by the Director and he or she decides whether to certify it or not (AS 15.45.540).

Why would the Director decide not to certify the application?

The Director would decide not to certify the application if the application was not substantially in the required form, was not timely filed, did not contain enough qualified subscribers, or attempted to recall an official not subject to recall (AS 15.45.550).

What happens if and after the application is certified?

If and after the recall application is certified, the Director prepares recall petitions for circulation throughout the state. The petition must be prepared, circulated, and filed, in that order, in a particular way described in statute (AS 15.45.560-AS 15.45.610; 6 AAC 25.240).

What happens if and after the petition is filed?

If and after the recall petition is filed, the Director reviews the petition within 30 days and determines whether it was properly or improperly filed (AS 15.45.620).

Why would the Director decide that a petition was improperly filed?

As a general matter, the Director will determine that the petition was improperly filed if there are not enough qualified subscribers to the petition or if the petition was not timely filed. The specific reasons for such a determination are set out in statute (AS 15.45.630).

Will there be a chance to fix a recall petition that was not properly filed?

Yes. Upon receipt of notice that the petition was improperly filed, the recall committee may amend and correct the petition by filing a supplementary petition in the manner described in AS 15.45.640.

When and how does the recall election take place?

If the Director determines that the petition was properly filed, the Director will hold a special election for recall of the state official between 60 and 90 days after notice of the determination (AS 15.45.640-AS 15.45.-690).

What happens after the recall election?

If a majority of voters vote to recall the state official, the office will become vacant and the vacancy will be filled as provided by law (AS 15.45.700).

What can I do if I disagree with a decision made by the Director regarding the recall of a state official?

You may ask the superior court to review the director's determination within 30 days of notice of the determination (AS 15.45.720).

COMMON ERRORS IN THE RECALL PROCESS FOR STATE OFFICIALS

Problems with Application & Grounds for Recall

- The application is not substantially in the required form:
 - The application does not contain the name and office of the person to be recalled.
 - The stated grounds for recall are not factually or legally sufficient.
 - The stated grounds for recall exceed the 200 word limit.
 - The application is missing the printed name, signature, address, and numerical identifiers of qualified voters.
 - Each signature page of the application does not include a statement that the qualified voters signed the application as sponsors with the name and office of the person to be recalled and the statement of grounds for recall attached.
 - The statement of the grounds for recall and/or the statement that the voters signed as sponsors with the name and office of the person to be recalled is not actually attached to each signature page.
 - The application fails to designate a three-member recall committee
 - The members of the recall committee fail to also sign the application as sponsors.

- The application was not timely filed:
 - The application was not filed after the first 120 days of the term of the recall target and before 180 days of the end of the term of any official subject to recall

- The person named in the application is not subject to recall:
 - The person is not the governor, the lieutenant governor, or a member of the state legislature.

- There is an insufficient number of qualified subscribers to the application:
 - There are fewer than 100 qualified voters who have signed the application as sponsors.
 - The qualified voters who sign are not equal in number to 10% of those who voted in the state or in the senate or house district of the official sought to be recalled.

Recall Committee Members

Three Primary Sponsors

We, the below, represent all sponsors and subscribers in matters relating to the Recall;

Name and office of person to be recalled: _____

Recall Committee Member No. 1 (Serves as primary contact person)

Printed Name: _____
Address: _____
Identifier: _____ <small>(*Voter No., Date of Birth, AK Driver's License No., Social Security No. or Last 4 of SSN)</small>
Phone Number: _____ Email Address: _____
Signature: _____

Recall Committee Member No. 2

Printed Name: _____
Address: _____
Identifier: _____ <small>(*Voter No., Date of Birth, AK Driver's License No., Social Security No. or Last 4 of SSN)</small>
Phone Number: _____ Email Address: _____
Signature: _____

Recall Committee Member No. 3

Printed Name: _____
Address: _____
Identifier: _____ <small>(*Voter No., Date of Birth, AK Driver's License No., Social Security No. or Last 4 of SSN)</small>
Phone Number: _____ Email Address: _____
Signature: _____

*Identifier information for the three primary sponsors is not required per Alaska Statutes. However, this information assists the Division with voter verification.

INSTRUCTIONS: For EACH signature page of the recall application the page must include a statement that the qualified voters signed the recall application with the name and office of the person to be recalled and that the statement of grounds for recall was attached, as per Alaska Statute 15.45.500(3). It is the recall committee’s responsibility to determine where to place the statement and grounds for recall, on each page or as an attachment with the signature pages. Each signer MUST be a qualified voter and provide the signer’s printed name, address, an identifier and signature as reflected below in order to be approved as a signer. **Each recall committee member MUST also sign the recall application.**

By signing as a sponsor below, I affirm that I am a qualified voter in the State of Alaska and acknowledge that the name and office of the person to be recalled and the statement of grounds for recall was attached at the time I signed the signature page.

	Printed Name (Print Clearly)	Address City, State & Zip	Identifier (provide ONE) (Voter No., Date of Birth, Last 4 digits of Social Security No., AK Driver’s License No., AK ID card No., or Voter ID No.)	Signature
--	---	--	---	------------------

Name, Address, Identifier and Signature of Recall Petition Committee Member No. 1

1.				
----	--	--	--	--

Name, Address, Identifier and Signature of Recall Petition Committee Member No. 2

2.				
----	--	--	--	--

Name, Address, Identifier and Signature of Recall Petition Committee Member No. 3

3.				
----	--	--	--	--

4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

Sample Page

By signing as a sponsor below, I affirm that I am a qualified voter in the State of Alaska and acknowledge that the name and office of the person to be recalled and the statement of grounds for recall was attached at the time I signed the signature page.

	Printed Name (Print Clearly)	Address City, State & Zip	Identifier (provide ONE) (Voter No., Date of Birth, Last 4 digits of Social Security No., AK Driver's License No., AK ID card No., or Voter ID number)	Signature
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

Sample Page

No. of Application Signatures – 2016 & 2018 General Elections

Statewide = 10% Requirement
Senate District = 10% Requirement

Statewide	No. Ballots Cast 2018 General	10%	No. Signatures Required
Statewide	285,009	28,500.90	28, 501

Senate District	No. Ballots Cast 2016 & 2018 General	10%	No. Signatures Required
A	9,089	908.90	909
B	16,479	1,647.90	1,648
C	13,700	1,370.00	1,370
D	15,392	1,539.20	1,539
E	15,996	1,599.60	1,600
F	18,202	1,820.20	1,820
G	13,393	1,339.30	1,339
H	11,316	1,131.60	1,132
I	11,470	1,147.00	1,147
J	10,945	1,094.50	1,095
K	15,103	1,510.30	1,510
L	15,411	1,541.10	1,541
M	15,162	1,516.20	1,516
N	19,523	1,952.30	1,952
O	16,234	1,623.40	1,623
P	17,059	1,705.90	1,706
Q	18,450	1,845.00	1,845
R	17,073	1,707.30	1,707
S	9,980	998.00	998
T	9,907	990.70	991

No. of Application Signatures - 2018 General Election

House District = 10% Requirement

House District	No. Ballots Cast 2018 General	10%	No. Signatures Required
1	5,401	540.10	540
2	3,595	359.50	360
3	5,924	592.40	592
4	8,509	850.90	851
5	6,762	676.20	676
6	6,887	688.70	689
7	7,294	729.40	729
8	7,223	722.30	722
9	7,923	792.30	792
10	8,041	804.10	804
11	8,146	814.60	815
12	8,292	829.20	829
13	4,799	479.90	480
14	8,523	852.30	852
15	3,404	340.40	340
16	5,998	599.80	600
17	5,455	545.50	546
18	5,962	596.20	596
19	3,960	396.00	396
20	5,906	590.60	591
21	7,570	757.00	757
22	7,477	747.70	748
23	5,702	570.20	570
24	8,349	834.90	835
25	7,131	713.10	713
26	7,962	796.20	796
27	7,675	767.50	768
28	10,401	1,040.10	1,040
29	8,377	837.70	838
30	7,740	774.00	774
31	9,696	969.60	970
32	6,273	627.30	627
33	9,277	927.70	928
34	8,876	887.60	888
35	7,992	799.20	799
36	7,272	727.20	727
37	4,638	463.80	464
38	5,330	533.00	533
39	5,629	562.90	563
40	4,182	418.20	418

No. of Petition Signatures – 2016 & 2018 General Elections

Statewide = 25% Requirement
Senate District = 25% Requirement

Statewide	No. Ballots Cast 2018 General	25%	No. Signatures Required
Statewide	285,009	71,252.25	71,252

Senate District	No. Ballots Cast 2016 & 2018 General	25%	No. Signatures Required
A	9,089	2,272.25	2,272
B	16,479	4,119.75	4,120
C	13,700	3,425.00	3,425
D	15,392	3,848.00	3,848
E	15,996	3,999.00	3,999
F	18,202	4,550.50	4,551
G	13,393	3,348.25	3,348
H	11,316	2,829.00	2,829
I	11,470	2,867.50	2,868
J	10,945	2,736.25	2,736
K	15,103	3,775.75	3,776
L	15,411	3,852.75	3,853
M	15,162	3,790.50	3,791
N	19,523	4,880.75	4,881
O	16,234	4,058.50	4,059
P	17,059	4,264.75	4,265
Q	18,450	4,612.50	4,613
R	17,073	4,268.25	4,268
S	9,980	2,495.00	2,495
T	9,907	2,476.75	2,477

No. of Petition Signatures - 2018 General Election

House District = 25% Requirement

House District	No. Ballots Cast 2016 General	25%	No. Signatures Required
1	5,401	1,350.25	1,350
2	3,595	898.75	899
3	5,924	1,481.00	1,481
4	8,509	2,127.25	2,127
5	6,762	1,690.50	1,691
6	6,887	1,721.75	1,722
7	7,294	1,823.50	1,824
8	7,223	1,805.75	1,806
9	7,923	1,980.75	1,981
10	8,041	2,010.25	2,010
11	8,146	2,036.50	2,037
12	8,292	2,073.00	2,073
13	4,799	1,199.75	1,200
14	8,523	2,130.75	2,131
15	3,404	851.00	851
16	5,998	1,499.50	1,500
17	5,455	1,363.75	1,364
18	5,962	1,490.50	1,491
19	3,960	990.00	990
20	5,906	1,476.50	1,477
21	7,570	1,892.50	1,893
22	7,477	1,869.25	1,869
23	5,702	1,425.50	1,426
24	8,349	2,087.25	2,087
25	7,131	1,782.75	1,783
26	7,962	1,990.50	1,991
27	7,675	1,918.75	1,919
28	10,401	2,600.25	2,600
29	8,377	2,094.25	2,094
30	7,740	1,935.00	1,935
31	9,696	2,424.00	2,424
32	6,273	1,568.25	1,568
33	9,277	2,319.25	2,319
34	8,876	2,219.00	2,219
35	7,992	1,998.00	1,998
36	7,272	1,818.00	1,818
37	4,638	1,159.50	1,160
38	5,330	1,332.50	1,333
39	5,629	1,407.25	1,407
40	4,182	1,045.50	1,046