

7/29/2024 Regular Assembly Meeting

Manager's Request for Agenda Changes, move this item from New Business to Staff Report.

School Board Recall Petitions (for Deedie Sorensen & Emil Mackey)

On July 11, 2024, the Clerk's office completed its review of the two Board of Education recall petitions for Deedie Sorensen and Emil Mackey. With the supplemental signatures submitted on July 1, each petition met the 2,359 signature requirement for certification and each petition is therefore considered sufficient. Copies of the recall petition affidavits, Clerk's letters and certifications are included in your packet.

Because state law (AS 29.26.320(a)) requires the recall questions to be on the October 1, 2024, regular municipal election, this is just an information item.

West's Alaska Statutes Annotated

Title 29. Municipal Government (Refs & Annos)

Chapter 26. Elections

Article 3. Recall

AS § 29.26.320 Election

- (a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.
- (b) If no regular election occurs within 75 days, the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.
- (c) If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question may not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming that official.

Credits

SLA 1985, ch. 74, § 9.

Jones v. Biggs, 508 P.3d 1121, 1124 (Alaska 2022)

If the clerk determines that the application meets the requirements, the clerk must issue a recall petition.⁸ Proponents of the recall then gather signatures and file the petition with the clerk, who must certify whether the petition is sufficient.⁹ If it is certified as sufficient, the clerk must submit it to the governing body and a recall election must be held. [[AS 29.26.310-.320](#).]

von Stauffenberg v. Comm. for Honest & Ethical Sch. Bd., 903 P.2d 1055, 1059 (Alaska 1995)

Sufficient petitions are then submitted to the municipal governing body which schedules a recall election. AS 29.26.310–.320. The statutes offer the recall target an opportunity to make a rebuttal statement of 200 words or less which will be placed on the recall ballot alongside the statement of the charges. AS 29.26.330(2).

McCormick v. Smith, 793 P.2d 1042, 1046 (Alaska 1990)

Under AS 29.26.290, the clerk must certify on the petition whether it is sufficient or insufficient. Sufficient petitions are submitted to the municipal governing body which schedules a recall election. AS 29.26.310–320.