

## **STATE OF ALASKA CONSTITUTION Article XI**

### **§ 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.

### **§ 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. *[Amended 1970]*

### **§ 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 per cent 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. *[Amended 1970, 1998 & 2004]*

### **§ 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. *[Amended 1970]*

### **§ 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. *[Amended 1970]*

### **§ 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. *[Amended 1970]*

## **§ 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.

## **§ 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**

Sec. 29.10.030. Initiative and referendum.

(a) A home rule charter shall provide procedures for initiative and referendum.

(b) A charter may not require an initiative or referendum petition to have a number of signatures greater than 25 percent of the total votes cast in the municipality at the last regular election.

(c) A charter may not permit the initiative and referendum to be used for a purpose prohibited by art. XI, Sec. 7 of the state constitution.

## **CBJ CHARTER ARTICLE VII. - INITIATIVE AND REFERENDUM**

Section 7.1. - Reservation of powers.

The powers of the initiative and referendum are reserved to the people of the municipality with reference to all legislative authority which the assembly may exercise except that the powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances or other measures appropriating funds, provided, however, that this limitation on the powers of initiative and referendum shall not be construed to limit the power of the people to approve pursuant to Section 9.7 of this Charter a millage rate in excess of that otherwise imposed thereby.

(Adopted by the voters on October 3, 1995, regular election.)

Section 7.2. - Commencement of proceedings.

(a) Any five qualified municipal voters may commence initiative or referendum proceedings by filing with the clerk an affidavit stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall include the names and addresses of the members of the petitioners committee and shall specify the address to which all notices to the committee shall be sent. The affidavit shall set out in full the proposed initiative ordinance, resolution, or other measure; or cite the ordinance, resolution, or other measure to be referred.

(b) Promptly after the filing of a proper affidavit, the clerk shall issue the appropriate petition pages to the petitioners committee.

Section 7.3. - Petition.

A petition for initiative or referendum shall be filed in proper form with the clerk within thirty days after the date of issuance of petition pages. The petition shall be signed by a number of qualified municipal voters equal to at least twenty-five percent of the votes cast in the municipality at the preceding regular municipal election. If the subject matter of the petition relates only to a service area, the petition shall be signed by a number of qualified voters residing within the service area equal to at least twenty-five percent of the votes cast in the service area at the preceding regular municipal election. A petition shall be limited to one ordinance, resolution, or other measures.

Section 7.4. - Form of petition.

(a) All pages of a petition shall be uniform in size and style. They shall be assembled as one instrument for filing. Each signature shall be executed in ink, and shall be followed by the residence address of the person signing.

(b) Petitions shall contain or have attached to them throughout their circulation the full text of the proposed initiative or referred measure.

Section 7.5. - Affidavit of circulator.

When filed each page of a petition shall have attached to it an affidavit executed by the circulator of the petition. The affidavit shall state the number of signatures on the page, that the circulator personally circulated the page, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, that each signer had an opportunity before signing to read the full text of the proposed initiative or referred measure, and that the circulator believes each signer to be a qualified municipal voter.

(Serial No. 90-30, § 8, 1990/10-2-1990)

Section 7.6. - Examination for sufficiency.

Within ten days following the date on which the petition is filed in proper form, the clerk shall certify the petition if it bears the required number of signatures. The clerk shall send a copy of the certification to the petitioners committee by certified mail, return receipt requested.

(Serial No. 90-30, § 8, 1990)

Section 7.7. - Supplemental petition.

If the petition is determined to be insufficient, the clerk shall send notice of insufficiency to the petitioners committee by certified mail, return receipt requested. The petition may be supplemented by additional signatures within ten days following the date of receipt of the notice. Within ten days following the date of supplementary filing in proper form, the clerk shall certify the petition if it is sufficient. Otherwise, the petition shall be rejected and filed as a public record.

Section 7.8. - New petition.

Failure to secure sufficient signatures shall not preclude the filing of a new initiative or referendum petition, except that a new petition shall not be filed sooner than six months after a petition which was diligently pursued is rejected on the same or substantially the same matter.

Section 7.9. - Withdrawal of signature.

A person who has signed an initiative or referendum petition may withdraw the signature at any time prior to the date of filing of the petition or the required supplementary petition by filing with the clerk a signed statement requesting withdrawal.

(Serial No. 90-30, § 8, 1990)

Section 7.10. - Action on petitions.

(a) When an initiative or referendum petition has been determined sufficient, the clerk immediately shall submit it to the assembly. If the assembly fails to adopt a proposed initiative measure without any change in substance within forty-five days or fails to repeal the referred measure within thirty days after the date the petition was determined sufficient, it shall submit the proposed initiative or referred measure to the electorate of the municipality. If the subject matter of the proposed initiative or referred measure relates only to a service area, the measure shall be submitted only to the electorate of the service area.

(b) The election on a proposed initiative or referred measure shall be held at the next regular election, or, if already scheduled, a special election occurring not sooner than 90 days from the last day on which the assembly action may be completed on the proposed initiative or

referred measure. If no regular election is scheduled to occur within 75 days after the certification of a petition and the Assembly determines it is in the best interest of the municipality, the Assembly may, by ordinance, order a special election to be held on the matter before the next scheduled election. The notice of election shall contain at least a summary of the proposed initiative or referred measure.

(c) Copies of the proposed initiative or referred measure shall be available for distribution to the public at the office of the clerk within a reasonable time before the initiative or referendum election and shall be available for distribution to the voters at the polls.

(Serial No. 2005-18(am), § 3, 2005/10-4-2005)

#### Section 7.11. - Results of election.

If a majority of the qualified voters voting on a proposed initiative measure vote in its favor, it shall be adopted upon certification of the election and shall be treated in all respects in the same manner as if adopted by the assembly. If a majority of the qualified voters voting on a referred measure vote for repeal, it shall be considered repealed upon certification of the election. If conflicting measures are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

#### Section 7.12. - Suspension of referred measures.

(a) When a referred measure has not taken effect, it shall be suspended upon the taking out of a petition by the petitioners committee. The suspension shall terminate when there is a final determination of insufficiency of the petition, no petition is filed within thirty days after the issuance of petition papers, or a majority vote against repeal of a referred measure has been certified.

(b) The provisions of (a) of this section do not apply to emergency measures enacted to meet a public emergency.

#### Section 7.13. - Effect of election.

(a) The assembly shall not, within one year of certification of the election, act in any way to modify or negate the effect of an initiative or referred measure.

(b) An election on an initiative or referred measure shall preclude the filing of a new initiative or referendum petition on the same or substantially the same matter sooner than one year after voter approval or disapproval of the initiative or referendum.

### **CBJ CODE 29.10 - INITIATIVE AND REFERENDUM**

29.10.010 - Purpose.

It is the purpose of this chapter to define and clarify the procedures to be followed in initiative and referendum proceedings authorized under article 7 of the Charter of the City and Borough of Juneau. The initiative and referendum are forms of direct democracy and as such their availability to, and utilization by, the public must be facilitated while, at the same time, the integrity of the procedures must be maintained through mechanisms which discourage, reduce, and prevent both the occurrence and appearance of fraud. Further, in order to ensure clear, fixed and reliable standards, it is necessary that citizens and those officials charged with the validation of petitions be able to rely on designated official, published maps, plats and records of the municipality and on the published voter registration records of the state.

(Serial No. 78-3, § 2, 1978)

29.10.020 - Attorney assistance on initiative petitions.

(a) The five qualified municipal voters who desire to commence initiative proceedings under Section 7.2 of the Charter may, prior to submission of their affidavit to the election official, submit a copy of the affidavit and the proposed ordinance, resolution or other measure to be initiated to the City and Borough attorney with a request that it be reviewed by the attorney. The attorney may refuse the request for review, but shall do so immediately upon receipt of the request and shall notify the petitioners' committee of the refusal at the address set forth in its affidavit. The notice of refusal shall contain the reason the attorney is unable to review the initiative. Such reasons include insufficient time to accomplish an immediate review and a conflict of interest.

(b) If the attorney accepts the request for review, the review shall be accomplished as rapidly as possible. The attorney shall review the proposed measure for form, content and conflict with existing law, ordinances, resolutions and other measures. The attorney shall suggest language changes deemed appropriate and shall provide an explanation of the basis for the suggested changes and the effect of such changes. The attorney shall have no authority to rewrite or require the rewriting of any part of a proposed measure.

(c) Immediately upon completion of review of the measure to be initiated, the attorney shall provide the committee with a copy of the comments and suggested changes.

(d) If the committee makes any changes to the proposed measure subsequent to receipt of the attorney's comments, it may again submit the measure to the attorney for review and comment.

(e) It is the purpose of this section to authorize minimum, corrective legal assistance in order to make groups desiring to initiate measures aware of legal problem areas which may arise if a proposed initiative is adopted in a particular form.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 28, 1998; Serial No. 2001-28, § 2, 6-4-2001)

29.10.025 - Certification of petitioners' committee affidavit.

(a) The committee shall submit the affidavit to the election official who shall within 15 working days either certify it or notify the initiative committee of the grounds for denial.

(b) Certification shall be denied if:

- (1) The affidavit is not substantially in the required form;
- (2) The proposed measure to be initiated is not in the required form; or
- (3) There are fewer than five qualified members on the committee.

(c) The proposed measure to be initiated shall be in the following form:

- (1) The measure shall be confined to one subject;
- (2) The measure may not include subjects restricted by Charter section 7.1 or article XI, section 7 of the Alaska Constitution.

(Serial No. 2000-10, § 3, 5-15-2000)

29.10.030 - Petition format.

(a) The petition form prepared by the election official for issuance to the petitioners' committee shall be in substantial compliance with this section.

(b) The front of the cover page of the petition shall provide a space for the name of the person who is circulating the petition and shall contain a statement in bold type identifying the petition as a referendum or initiative petition as appropriate, the initiative or referendum request, a space for an impartial summary of the ordinance to be initiated or referred, a statement in bold type that a notice to petition signers is on the back of the cover sheet and that the ordinance to be initiated or referred is inside the first page of the petition, and a petition booklet number. On the back of the cover sheet, the election official shall cause to have printed a notice to the petition signers that signatures must be in ink, the residence address, mailing address, and printed name must be legible, that the signer must be a registered voter and have been a resident of the City and Borough for the immediately preceding 30 days, and the acceptable and unacceptable forms of residence address which appear in subsections 29.10.090(b) and (c).

(c) The second and such subsequent pages as are necessary shall contain a space for the full text of the ordinance to be initiated or referred.

(d) Following the full text of the ordinance shall be not less than five nor more than ten signature pages. Each signature page shall be ruled in lines and shall contain eight columns which shall be titled as follows: Voter Registration No., Birthdate or Social Security No.,

Signature, Printed Name, Residence Address, Mailing Address and Zip Code, Length of Residence in City and Borough, Date Signed. The election official shall number each signature page serially in a sequence of numbers which shall be continuous through all booklets issued. Above the column titles shall be the petition request which shall make reference to the ordinance or measure to be initiated or referred and its location in the booklet. At the bottom of each signature page shall be a statement that to be valid, the signature must be in ink, the name as printed and signed must be in the same form as the name appears on the state voter registration rolls, the printed name and residence address must be legible and the signer must indicate his or her length of address in the City and Borough immediately preceding signing the petition.

(e) The signature page shall contain the affidavit of the circulator as required by section 7.5 of the Charter.

(f) Each booklet shall be assembled by the election official and all pages within each booklet shall be stapled or otherwise fastened together.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, §§ 29, 30, 31, 32, 1998; Serial No. 2001-28, § 2, 6-4-2001; Serial No. 2014-37(c), § 6, 6-30-2014, eff. 7-31-2014)

#### 29.10.040 - Instructions to petitioners.

The election official shall issue written instructions to the petitioners' committee setting forth the requirement that to be valid the signature line must contain the signature in ink, the legible printed name, the legible residence address of the municipal voter signing the petition and the length of residence in the City and Borough. The instructions shall also include the types of addresses which are and are not acceptable as residence addresses.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 33, 1998)

Charter reference— Signatory requirements, § 7.5.

#### 29.10.050 - Objection to petition form or instructions.

(a) Objections to the form of the petition or the instructions issued by the election official shall be made in writing by the petitioners' committee prior to the expiration of the third working day of the 30-day petition period. The election official shall immediately consider timely filed objections and take such action as appropriate. If it is necessary, in the election official's judgment, to make a change in the petition form as issued, the election official shall issue new petitions.

(b) If the election official issues new petitions under this section, the 30-day period for the collection of signatures shall be counted from the date the election official issues the corrected petitions to the petitioners' committee. Signatures gathered on the first-issued petitions shall be invalid regardless of the date upon which signatures are obtained.

(c) Objections not filed with the election official as provided in this section shall be deemed waived for all purposes.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 34, 1998)

#### 29.10.060 - Submission and receipt of petitions.

(a) The petitioners' committee shall file the petitions as a single instrument. After the filing, no additional petition booklets may be received by the election official for validation whether such additional booklets are submitted before or after the expiration of the petition period. Such late booklets shall be received only for the purpose of preservation for the record.

(b) Filing shall be done during municipal business hours. If the last day of the period falls on a Saturday which is not a City and Borough holiday, the election official shall make arrangements with the petitioners' committee to receive the petitions at the election official's office at or before 4:30 p.m. on that Saturday. If the last day of the period falls on a Sunday or other City and Borough holiday, the petitioners' committee may file the petition not later than 9:00 a.m. on the first weekday which is not a holiday.

(c) Immediately upon receipt of the petition, and in the presence of the person submitting the petition, the election official shall check each booklet and shall mark as rejected on its face, and the reason for rejection, any petition booklet which:

- (1) Shows evidence of having been disassembled and reassembled;
- (2) Does not contain all pages of the ordinance to be initiated or referred;
- (3) Does not contain the fully completed, signed and notarized affidavit of the circulator.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 35, 1998)

#### 29.10.070 - Supplemental petition.

(a) If the election official determines that there is an insufficient number of valid signatures on the petitions filed during the 30-day period, the election official shall send notice of the insufficiency to the petitioners' committee by certified mail, return receipt requested. The petitioners' committee shall have an additional ten days from receipt of the notice to gather additional signatures on petitions supplied to the committee by the election official for that purpose. The petitions supplied by the election official for the supplemental period shall be in the format specified in section 29.10.030, except that the signature page numbering shall not duplicate that used for the 30-day period.

(b) Petitions shall be submitted and received in the manner provided in section 29.10.060.

(c) No signatures obtained on booklets issued during the first 30-day period shall be valid if submitted with the supplemental petition.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 36, 1998)

Charter reference— Supplemental petition, § 7.7.

29.10.080 - Validation of signatures.

(a) The election official shall reject the signature of any person whose name does not appear on the voter registration list available from the state elections office and who is determined by the state elections office to be a person who is not registered on the day the election official requests state verification of the voter status of the person.

(b) The election official shall reject the signature of any person whose signed and printed name are so illegible that the election official cannot identify the name; provided, however, the election official may accept an otherwise illegible name if the voter has provided a voter registration number and the legible address information given by the person corresponds to voter registration information of the person registered to the voter registration number given.

(c) The election official shall reject all but one signature of any person who has signed his or her name two or more times to petition booklets.

(d) The election official shall reject the signature of any person whose signature is not executed in ink.

(e) The election official shall reject the signature of any person who had not been a resident of Juneau for the 30 days immediately preceding the date the person signed the petition.

(f) The election official shall reject the signature of any person who fails to provide a legible and adequate residence address as provided in section 29.10.090.

(g) The election official shall reject the signature of any person whose petition signature and printed name are not the form in which the person is registered to vote unless the election official is able to determine from the voter registration number or the address information from the state elections office that the signature is that of a registered voter.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 37, 1998; Serial No. 2014-37(c), § 7, 6-30-2014, eff. 7-31-2014)

29.10.090 - Residence address requirements.

(a) A residence address for the purpose of initiative and referendum petition requirements is a locatable address where the person lives. A residence address is adequate only if it contains sufficient information to permit the person's place of residence to be found by an ordinary person with no particular knowledge of the City and Borough of Juneau area if such person is given the residence address information which appears on the petition, the official map of the City and Borough of Juneau, the approved house numbering maps of the City and Borough of Juneau, and relevant approved plan maps.

(b) Notwithstanding the general definition provided in subsection (a) of this section, the following shall be deemed to be adequate residence addresses.

- (1) A subdivision name with a lot and block number;
- (2) A United States survey number when the smallest recorded subdivision which is applicable to the property is included;
- (3) A milepost when accompanied by a road or highway name;
- (4) A boat harbor or marina name when the stall, slip, or boat name is also included;
- (5) A hotel or motel if the room number is numbered;
- (6) A trailer court if the space number or street name and number within the trailer court is given;
- (7) A house number with a street or highway name;
- (8) An apartment or condominium name when accompanied by an apartment or unit number.

(c) The following types of addresses are inadequate as a residence address:

- (1) A street name without a house number;
- (2) A milepost without a highway or road name;
- (3) A highway or road name without a milepost or house number;
- (4) Alaska, Juneau, Douglas, Auke Bay, Vanderbilt Hill, Pinewood Park, Mendenhaven, Back Loop or any other similar designation by a geographic area or subdivision only;
- (5) A rural route box number;
- (6) A post office box number;
- (7) A street, highway or road intersection;
- (8) Any address which is ambiguous either on its face or becomes ambiguous upon consulting a map or plat to which one would be led from the residence address information;
- (9) An illegible address.

(d) If there is a dispute as to the adequacy of a residence address given by a person whose name has been rejected by the election official, the name shall be rejected if it is determined that a house number has been assigned to the place of residence of the person whose name has been rejected unless the assigned street name and house number or an accurate legal description of the property has been used on the petition.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, § 38, 1998; Serial No. 2001-28, § 2, 6-4-2001)

29.10.100 - Petition and signature rejection for other reasons.

(a) If any allegation of fraud or misconduct is filed with the election official prior to the certification or notice of insufficiency of the petitions, the election official shall immediately investigate such allegations and reject the challenged petitions or signatures if such investigation reveals fraud or other irregularities which warrant rejection.

(b) Any allegation of fraud or misconduct filed after certification of the petition which would or may result in the invalidation of a sufficient number of signatures to cause a petition to be insufficient shall be referred immediately to the assembly. The assembly shall schedule a hearing on the matter and take such action as it deems appropriate with respect to signatures or petitions which are affected by any fraud or misconduct it finds.

(c) It shall be fraud sufficient to reject an entire petition booklet if it is shown that a petition circulator has either failed to do any act or had no reasonable basis for a belief to which the petition circulator is required to swear under section 7.5 of the Charter.

(Serial No. 78-3, § 2, 1978; Serial No. 98-25, §§ 39, 40, 1998)

State Law reference— Petition offenses, AS 15.56.090.

29.10.110 - Termination of suspension of ordinance effective date.

An ordinance which has been suspended by the operation of section 7.12 of the Charter shall become effective five working days after notice of insufficiency has been delivered to the petitioners' committee unless an appeal of the municipal clerk's decision is filed within that time.

(Serial No. 78-3, § 2, 1978).

Charter reference— Suspension of referred measures, § 7.12.