

**STATE OF ALASKA, DIVISION OF ELECTIONS
PUBLIC INFORMATION PACKET ON INITIATIVES**

This packet is designed and intended to assist the public by providing general information regarding the initiative process for statewide initiatives. The information contained in this packet applies only to state—**not municipal**—initiative process.

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 initiatives 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 initiatives are available upon request.

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

Division of Elections
Absentee and Petition Office
2525 Gambell Street, Suite 105
Anchorage, AK 99503-2838
(907) 270-2700
(877) 375-6508 (toll free within U.S.)

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

ALASKA CONSTITUTIONAL PROVISIONS ON 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 STATEWIDE INITIATIVES

Sec. 15.45.010. Provision and scope for use of the initiative.

The law-making powers assigned to the legislature may be exercised by the people through the initiative. However, an initiative may not be proposed to dedicate revenue, to make or repeal appropriations, to create courts, to define the jurisdiction of courts or prescribe their rules, or to enact local or special legislation.

Sec. 15.45.020. Filing application.

An initiative is proposed by filing an application with the lieutenant governor. 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. 15.45.030. Form of application.

The application must include the

- (1) proposed bill;
- (2) printed name, the signature, the address, and a numerical identifier of not fewer than 100 qualified voters who will serve as sponsors; each signature page must include a statement that the sponsors are qualified voters who signed the application with the proposed bill attached; and
- (3) designation of an initiative committee consisting of three of the sponsors who subscribed to the application and represent all sponsors and subscribers in matters relating to the initiative; the designation must include the name, mailing address, and signature of each committee member.

Sec. 15.45.040. Form of proposed bill.

The proposed bill shall be in the following form:

- (1) the bill shall be confined to one subject;
- (2) the subject of the bill shall be expressed in the title;
- (3) the enacting clause of the bill shall be: "Be it enacted by the People of the State of Alaska;"
- (4) the bill may not include subjects restricted by AS 15.45.010.

Sec. 15.45.050. Manner of notice.

Notice to the initiative committee on any matter pertaining to the application and petition may be served on any member of the committee in person or by mail addressed to a committee member as indicated on the application.

Sec. 15.45.060. Designation of sponsors.

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

Sec. 15.45.070. Review of application for certification.

Within 60 calendar days after the date the application is received, the lieutenant governor shall review the application and shall either certify it or notify the initiative committee of the grounds for denial.

Sec. 15.45.080. Bases of denial of certification.

The lieutenant governor shall deny certification upon determining in writing that

- (1) the proposed bill to be initiated is not confined to one subject or is otherwise not in the required form;
- (2) the application is not substantially in the required form; or
- (3) there is an insufficient number of qualified sponsors.

Sec. 15.45.090. Preparation of petition.

(a) If the application is certified, the lieutenant governor shall prepare a sufficient number of sequentially numbered petitions to allow full circulation throughout the state. Each petition must contain

- (1) a copy of the proposed bill;
- (2) an impartial summary of the subject matter of the bill;
- (3) a statement of minimum costs to the state associated with certification of the initiative application and review of the initiative petition, 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 implementing the proposed law;

(5) the statement of warning prescribed in AS 15.45.100;

(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 lieutenant governor to ensure proper handling and control.

(b) Upon request of the initiative committee, the lieutenant governor shall report to the committee the number of persons who voted in the preceding general election.

Sec. 15.45.100. Statement of warning.

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

Sec. 15.45.105. 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. 15.45.110. Circulation of petition; prohibitions and penalty.

(a) The petitions may be circulated throughout the state only in person.

(b) *[Repealed, Sec. 92 ch 82 SLA 2000].*

(c) 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.

(d) 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.

(e) A person or organization that violates (c) or (d) of this section is guilty of a class B misdemeanor.

(f) 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(d);
- (3) "person" has the meaning given in AS 11.81.900.

Sec. 15.45.120. Manner of signing and withdrawing name from petition.

Any qualified voter 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 initiative petition may withdraw the person's name only by giving written notice to the lieutenant governor before the date the petition is filed.

Sec. 15.45.130. 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 15.45.105;
- (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 15.45.110(c);
- (7) that the circulator has not violated AS 15.45.110(d) 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. 15.45.140. Filing of petition.

(a) The sponsors must file the initiative petition within one year from the time the sponsors received notice from the lieutenant governor that the petitions were ready for delivery to them. The petition may be filed with the lieutenant governor only if it meets all of the following requirements: it is signed by qualified voters

(1) equal in number to 10 percent of those who voted in the preceding general election;

(2) resident in at least three-fourths of the house districts of the state; and

(3) who, in each of the house districts described in (2) of this subsection, are equal in number to at least seven percent of those who voted in the preceding general election in the house district.

(b) If the petition is not filed within the one-year period provided for in (a) of this section, the petition has no force or effect.

Sec. 15.45.150. Review of petition.

Within not more than 60 days of the date the petition was filed, the lieutenant governor shall review the petition and shall notify the initiative committee whether the petition was properly or improperly filed, and at which election the proposition shall be placed on the ballot.

Sec. 15.45.160. Bases for determining the petition was improperly filed.

The lieutenant governor shall notify the committee that the petition was improperly filed upon determining that

(1) there is an insufficient number of qualified subscribers;

(2) the subscribers were not resident in at least three-fourths of the house districts of the state; or

(3) there is an insufficient number of qualified subscribers from each of the house districts described in (2) of this section.

Sec. 15.45.170. Submission of supplementary petition. [Repealed, Sec. 7 ch 80 SLA 1998].

Repealed or Renumbered

Sec. 15.45.180. Preparation of ballot title and proposition.

(a) If the petition is properly filed, the lieutenant governor, with the assistance of the attorney general, shall prepare a ballot title and proposition. The ballot title shall, in not more than 25 words, indicate the general subject of the proposition. The proposition shall give a true and impartial summary of the proposed law. The total number of words used in the summary may not exceed the product of the number of sections in the proposed law multiplied by 50. In this subsection, "section" means a provision of the proposed law that is distinct from other provisions in purpose or subject matter.

(b) The proposition prepared under (a) of this section shall comply with AS 15.80.005 and shall be worded so that a "Yes" vote on the proposition is a vote to enact the proposed law.

Sec. 15.45.190. Placing proposition on ballot.

The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot of the first statewide general, special, or primary election that is held after

- (1) the petition has been filed;
- (2) a legislative session has convened and adjourned; and
- (3) a period of 120 days has expired since the adjournment of the legislative session.

Sec. 15.45.195. Public hearings.

(a) At least 30 days before the election at which an initiative is to appear on the ballot, the lieutenant governor or a designee of the lieutenant governor shall hold two or more public hearings concerning the initiative in each judicial district of the state. Each public hearing under this section shall include the written or oral testimony of one supporter and one opponent of the initiative.

(b) The lieutenant governor shall provide reasonable notice of each public hearing required under this section. The notice must include the date, time, and place of the hearing. The notice may be given using print or broadcast media. The lieutenant governor shall provide notice in a consistent fashion for all hearings required under this section.

(c) Penalties for a violation of this section may not include removal of an initiative from the ballot.

(d) If the lieutenant governor determines that it is technologically and economically feasible, the division shall provide a live audio and video broadcast of each hearing held under (a) of this section on the division's Internet website.

Sec. 15.45.200. Display of proposed law.

The director shall provide each election board with at least five copies of the proposed law being initiated, and the election board shall display at least one copy of the proposed law in a conspicuous place in the room where the election is held.

Sec. 15.45.210. Determination of void petition.

If the lieutenant governor, with the formal concurrence of the attorney general, determines that an act of the legislature that is substantially the same as the proposed law was enacted after the petition had been filed, and before the date of the election, the petition is void and the lieutenant governor shall so notify the committee.

Sec. 15.45.220. Adoption and effective date of proposed law.

If a majority of the votes cast on the initiative proposition favor its adoption, the proposed law is enacted, and the lieutenant governor shall so certify. The act becomes effective 90 days after certification.

Sec. 15.45.230. Insufficiency of application or petition. [Repealed, Sec. 7, ch 80 SLA 1998].

Repealed or Renumbered

Sec. 15.45.240. Judicial review.

Any person aggrieved by a determination made by the lieutenant governor under AS 15.45.010 - 15.45.220 may bring an action in the superior court to have the determination reviewed within 30 days of the date on which notice of the determination was given.

Sec. 15.45.245. Delegation by lieutenant governor.

The lieutenant governor may delegate the duties imposed on the lieutenant governor by AS 15.45.010 - 15.45.240 to the director.

DEFINITIONS IN THE ALASKA ELECTION CODE (TITLE 15)

Sec. 15.80.010. Definitions.

In this title, unless the context otherwise requires,

- (1) "absent 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, 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;

(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;

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

(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 that 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.

FREQUENTLY ASKED QUESTIONS: INITIATIVES

What is an initiative?

An initiative is a law proposed by the people rather than the legislature (AS 15.45.010).

How does an initiative become law?

An initiative becomes law through an election by a majority of voters who vote in favor of the proposition (AS 15.45.220).

Are there any limitations on the subject of an initiative?

Yes. An initiative may not propose any law that dedicates revenue, makes or appeals appropriations, creates courts, defines jurisdiction of courts, prescribes court rules, or enacts local or special legislation (AS 15.45.010).

What are the basic steps to proposing and enacting an initiative?

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

How is an initiative proposed?

An initiative is proposed by filing an application with the lieutenant governor along with a \$100 deposit (AS 15.45.020).

What are the requirements of an initiative application?

As a general matter, the initiative application must include the proposed bill, voter signatures, and the designation of an initiative committee. Note that each of these elements has very specific statutory requirements (AS 15.45.030 and AS 15.45.040).

What happens after the initiative application is filed?

The lieutenant governor will review the application and decide whether to certify it or not within 60 days (AS 15.45.070).

What happens if the initiative application is not certified?

The lieutenant governor will notify the initiative committee of the grounds for denial (AS 15.45.070), and the initiative may not proceed to the petition phase and may not appear on the ballot.

Why would an initiative application be denied certification?

An initiative application may be rejected if the proposed bill is not confined to one subject or is not in the required form, if the application is not substantially in the required form, or if there is an insufficient number of qualified sponsors (AS 15.45.080), or if the subject of the proposition is clearly unconstitutional under controlling legal authority .

What happens if and after the application is certified?

If and after the initiative application is certified, the lieutenant governor prepares initiative petitions for circulation throughout the state. The petition must be prepared, circulated, and filed, in that order, in a particular way described in statute and regulation (AS 15.45.090-AS 15.45.140; 6AAC 25.240).

What happens if and after the petition is filed?

If and after the petition is filed, the lieutenant governor reviews the petition and notifies the initiative committee within 60 days whether the petition was properly or improperly filed and at which election the initiative will be appear on the ballot (AS 15.45.150).

Why would the lieutenant governor decide that a petition was improperly filed?

As a general matter, the lieutenant governor will determine that the petition was improperly filed if there are not enough qualified subscribers to the petition or the subscribers did not meet certain residency requirements. The specific reasons for such a determination are set out in statute (AS 15.45.160).

Can a supplement petition be filed if there are an insufficient number of signatures?

If there are not enough qualified subscribers to the petition or the subscribers did not meet certain residency requirements, a supplemental petition cannot be filed.

How and when does an initiative finally get onto the ballot?

If and after the petition is properly filed, the lieutenant governor and the Attorney General's Office prepare the ballot title and proposition in the manner described in statute (AS 15.45.180). The initiative proposition will appear on the ballot at the first statewide election held after the petition was filed, a legislative session has convened and adjourned, and a period of 120 days has passed since the adjournment of the legislative session (AS 15.45.190).

When does a legislative session convene and adjourn?

The legislature shall convene at the capital each year on the third Tuesday in January at 1:00 p.m. (AS 24.05.150 (b)). The legislature shall adjourn from a regular session within 90 consecutive calendar days, including the day the legislature first convenes in that regular session (AS 24.05.090).

How does the lieutenant governor let the public know about the initiative?

If and after the lieutenant governor determines that an initiative proposition will appear on the ballot, the lieutenant governor will hold public hearings in the manner described in statute (AS 15.45.195).

What can I do if I disagree with something the lieutenant governor does regarding an initiative?

You may ask the superior court to review the lieutenant governor's determination within 30 days of notice of the determination (AS 15.45.240).

COMMON ERRORS IN THE INITIATIVE PROCESS

Problems with Bill

- The proposed bill is not in the proper form:
 - The bill is not confined to one subject.
 - The subject of bill is not expressed in the title.
 - The bill is missing the proper enacting clause.
 - The bill includes an improper subject:
 - Dedicates revenue.
 - Makes or repeals appropriations.
 - Creates courts.
 - Defines jurisdiction of courts.
 - Prescribes court rules.
 - Enacts local or special legislation.
 - Is clearly unconstitutional under controlling legal authority.

Problems with Application

- The application is not in the required form:
 - 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 proposed bill attached.
 - The proposed bill is not actually attached to each signature page.
 - The application fails to designate a three-member initiative committee.
 - The members of the initiative committee fail to also sign the application as sponsors.
- There is an insufficient number of qualified sponsors:
 - There are fewer than 100 qualified voters who have signed the application.

Problems with Petition

- The petition was not properly circulated:
 - Circulator is not qualified (not U.S. citizen, not adult, not state resident).
 - Circulator received payment of more than \$1 per signature.
 - Petition is not certified by circulator with proper affidavit (AS 15.45.130).
- The petition was not properly filed:
 - There is an insufficient number of qualified subscribers:
 - Less than 10% of those who voted in the preceding general election.
 - The subscribers were not resident in at least $\frac{3}{4}$ of the house districts of the state.
 - There is an insufficient number of qualified subscribers from each of the house districts:

- Less than 7% of those who voted in the preceding general election in the house district.
- The petition was not filed within one year from the time the sponsors received notice from the lieutenant governor that the petitions were ready for delivery to them.

Initiative Committee Members

Three Primary Sponsors

We, the below, represent all sponsors and signers in matters of the initiative petition:

Title of Proposed Bill: _____

Initiative Committee Member No. 1 (primary contact person for all matters and correspondence)

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

Initiative Committee Member No. 2

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

Initiative Committee Member No. 3

Printed Name:	_____
Address:	_____
Identifier:	_____
	(*Voter No., Date of Birth, AK Driver's License No., Social Security No. or Last 4 of SSN)
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: EACH signature page of the initiative application must include a statement that the signers are sponsors and qualified voters who signed the initiative application with the proposed bill attached (Alaska Statute 15.45.030 (2)). The statement should also indicate that the qualified voters are signing as sponsors to the application. It is the initiative committee's responsibility to determine where to place the text of the proposed bill, on each page or as an attachment, with the signature pages. Each signer must be a qualified voter as defined in AS 15.80.010(30) and provide the signer's printed name, address, a numerical identifier as defined in AS 15.80.010(19), and signature as reflected below in order to be approved as a signer. **Each initiative committee member MUST also sign the initiative application signature pages.**

By signing as a sponsor below, I affirm that I am a qualified voter in the State of Alaska and acknowledge that the proposed bill was attached at time I signed the signature page.

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

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

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

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

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

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

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

Sample Page

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

INSTRUCTIONS: EACH signature page of the initiative application must include a statement that the signers are sponsors and qualified voters who signed the initiative application with the proposed bill attached (Alaska Statute 15.45.030 (2)). The statement should also indicate that the qualified voters are signing as sponsors to the application. It is the initiative committee's responsibility to determine where to place the text of the proposed bill, on each page or as an attachment, with the signature pages. Each signer must be a qualified voter as defined in AS 15.80.010(30) and provide the signer's printed name, address, a numerical identifier as defined in AS 15.80.010(19), and signature as reflected below in order to be approved as a signer. **Each initiative committee member MUST also sign the initiative application signature pages.**

By signing as a sponsor below, I affirm that I am a qualified registered voter in the State of Alaska and acknowledge that the proposed bill was attached at time I signed the signature page.

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

Sample Page

Number of Petition Signatures – 2018 General Election
Statewide = 10% Requirement House District = 7% Requirement

Statewide	No. Ballots Cast 2018 General	10%	No. Signatures Required
Statewide	285,009	28,500.90	28,501
District	No. Ballots Cast 2018 General	7%	No. Signatures Required
1	5,401	378.07	378
2	3,595	251.65	252
3	5,924	414.68	415
4	8,509	595.63	596
5	6,762	473.34	473
6	6,887	482.09	482
7	7,294	510.58	511
8	7,223	505.61	506
9	7,923	554.61	555
10	8,041	562.87	563
11	8,146	570.22	570
12	8,292	580.44	580
13	4,799	335.93	336
14	8,523	596.61	597
15	3,404	238.28	238
16	5,998	419.86	420
17	5,455	381.85	382
18	5,962	417.34	417
19	3,960	277.2	277
20	5,906	413.42	413
21	7,570	529.9	530
22	7,477	523.39	523
23	5,702	399.14	399
24	8,349	584.43	584
25	7,131	499.17	499
26	7,962	557.34	557
27	7,675	537.25	537
28	10,401	728.07	728
29	8,377	586.39	586
30	7,740	541.8	542
31	9,696	678.72	679
32	6,273	439.11	439
33	9,277	649.39	649
34	8,876	621.32	621
35	7,992	559.44	559
36	7,272	509.04	509
37	4,638	324.66	325
38	5,330	373.1	373
39	5,629	394.03	394
40	4,182	292.74	293