

State Of Alaska

Division of Elections

REFERENDUM APPLICATION INFORMATION

The referendum procedures appear in AS 15.45.520 – 14.45.465 and 6 AAC 25.240. The following information summarizes these statutes and regulations. **This information should not be considered a substitute for reading the statutes and regulations in their entirety.**

DEFINITION

The **referendum** is the procedure by which the people approve or reject a law passed by the legislature. The referendum petition must be filed within 90 days after the adjournment of the legislative session at which the law was passed, to eventually appear on a ballot to be voted on by the people. (*Ref. AS. 15.45.010-245*)

STEPS IN PROCESS

- ◆ **Preparation** of language by referendum committee for application
- ◆ **Collection** of signatures of qualified voters who agree to circulate the petition as sponsors
- ◆ **Application** for a referendum presented to the Lieutenant Governor
- ◆ **Review** by the Lieutenant Governor, Department of Law, and Division of Elections
- ◆ **Petition booklets printed** by the Division of Elections for the referendum committee
- ◆ **Collection** of signatures of qualified voters who support the referendum
- ◆ **Filing** of the referendum with the Division of Elections
- ◆ **Review** of the signatures by the Division of Elections
- ◆ **Notification** by the Lieutenant Governor if the referendum was or was not sufficient
- ◆ **Notification** to the Legislature that the referendum was successful
- ◆ **Ballot language** prepared

RESTRICTIONS

No referendum may be applied to:

1. dedication of revenue;
2. to appropriation, to local or special legislation;
3. or to law necessary for the immediate preservation of the public peace, health, or safety. (*Ref. AS 15.45.250*)

HOW TO FILE AN APPLICATION

A referendum is proposed by filing an application with the Lieutenant Governor. A sample form is attached at the end of this information. A deposit of \$100 must accompany the application. The money will be refunded if the referendum is properly filed and retained if the petition is improperly filed. A referendum petition or application is considered properly filed if the Lieutenant Governor certifies the petition for the ballot. (*Ref. AS 15.45.260*)

In addition to the deposit, the application must include:

1. the designation, names, signatures, mailing addresses, and numerical identifiers of three prime sponsors with a statement saying they are the referendum committee representing all sponsors of the referendum. They must be properly registered voters;
2. the printed name, signature, addresses, and a numerical identifier of not fewer than 100 properly registered voters who will serve as sponsors. Their names must be attached to the act to be referred and the statement of the approval or rejection. The three referendum committee sponsors must also sign as qualified registered voters on the signature page. **Each page of signatures must include a statement saying that the sponsors are qualified voters who signed the application with the proposed act to be referred attached;**
3. the act to be referred, attached to the application form. (*Ref. AS 15.45.270*)

FILING OF THE APPLICATION

Application may be mailed or delivered to the Office of the Lieutenant Governor or any Division of Elections office listed below:

- Office of the Lieutenant Governor Juneau Office:
Physical: 3rd Floor State Capitol
Mailing: PO Box 110015, Juneau AK 99811-0015
- Office of the Lieutenant Governor Anchorage Office:
Physical & Mailing: 550 W. 7th Avenue Suite 1700, Anchorage AK 99501
- Division of Elections – Director’s Office
Physical: 240 Main Street Suite 400, Juneau
Mailing: PO Box 110017, Juneau AK 99811-0017
- Division of Elections – Absentee & Petition Office
Physical & Mailing: 619 E. Ship Creek Avenue Suite 329, Anchorage AK 99501
- Division of Elections – Region I Elections Office
Physical: 9109 Mendenhall Road Suite 3, Juneau
Mailing: PO Box 110018, Juneau AK 99811-0018
- Division of Elections – Region II Anchorage Elections Office
Physical & Mailing: 2525 Gambell Street Suite 100, Anchorage AK 99503
- Division of Elections – Region II Mat-Su Elections Office
Physical & Mailing: North Fork Professional Building, Wasilla
1700 E. Bogard Road Suite B120, Wasilla AK 99654
- Division of Election – Region III Elections Office
Physical & Mailing: 675 7th Avenue Suite H3, Fairbanks AK 99701
- Division of Elections – Region IV Elections Office
Physical: 103 E. Front Street, Nome
Mailing: PO Box 577, Nome Alaska 99762-0577

REVIEW OF APPLICATION

The Lieutenant Governor must review the application within seven calendar days after it has been received. Once the application has been received, the Lieutenant Governor submits the proposed act to the Department of Law for review and the signatures are sent to the Division of Elections to verify that 100 qualified voters signed as sponsors. After the Department of Law issues an opinion on content, and the Division of Elections verification of signatures is complete, the Lieutenant Governor either certifies the application or denies certification. In either case, the referendum committee is advised of the decision. (*Ref. AS 15.45.300*)

The Lieutenant Governor denies certification if:

1. the application is not substantially in the required form;
2. there is an insufficient number of qualified sponsors; or
3. more than 90 days have expired since the adjournment of the legislative session at which the referred act was passed. (*Ref. AS 15.45.310*)

PREPARING THE REFERENDUM PETITION BOOKLETS

If the referendum is certified, the Division of Elections prints 500 booklets and distributes these to the referendum committee. The referendum committee distributes the referendum booklets to circulators who will circulate the referendum and gather the required signatures of registered voters. The booklets will contain:

1. a copy of the act to be referred (if 500 words or less);
2. the statement of approval or rejection;
3. an impartial summary of the subject matter of the act;
4. a statement of minimum costs to the state associated with certification of the referendum application and review of the referendum petition, excluding legal costs to the state and the costs to the state of any challenge to the validity of the act;
5. an estimate of the cost to the state of voter approval or rejection of the act;
6. a statement of warning as prescribed in AS 15.45.330;
7. 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
8. other specifications prescribed by the Lieutenant Governor. (*Ref. AS 15.45.320*)

DESIGNATING CIRCULATORS

Qualified voters who sign the application are designated as sponsors, who may or may not circulate the referendum. If circulators designated by the referendum committee are not registered voters, they must sign a certificate of Alaska residency. Circulators must be 18 years old or older, a U.S. citizen, and a resident of Alaska as determined under AS 15.05.020.

PAYING PETITION CIRCULATORS

Petition circulators may not receive payment greater than \$1 a signature, and a person or organization may not pay an amount greater than \$1 a signature for collecting signatures on a petition. Additionally, a person or organization may not pay someone to sign or refrain from signing a petition. Anyone who violates this section of the law is guilty of a class B misdemeanor. (*Ref. AS 15.45.340*)

FILING THE PETITION

Before a referendum petition is filed, each petition booklet must be certified by an affidavit from the sponsor who circulated the petition. This affidavit states:

1. the person signing the affidavit is a United States citizen, 18 years old or older, and a resident of Alaska;
2. the person is the only circulator of the petition booklet;
3. the signatures were made in the circulator's presence; and
4. the signatures, to the best of the circulator's knowledge, are those of the persons whose names are signed;
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 15.45.340(b);
7. that the circulator has not violated AS 15.45.340(c) with respect to that petition; and
8. whether the circulator has received payment or has agreed to receive payment for collecting signatures. (*Ref. 15.45.360*)

The sponsor must file the petition **within 90 days** after the adjournment of the legislative session at which the act was passed. (*Ref. AS 15.45.370*)

The petition must be signed by qualified voters:

1. equal in number to 10 percent of those who voted in the preceding general election, see attached;
2. resident in at least three-fourths of the house districts or the state; and
3. who, in each of the house districts described in (2) of this section are equal in number to at least seven percent of those who voted in the preceding general election in the house district.

REVIEWING THE PETITION

The Lieutenant Governor must review a referendum petition within 60 days from the date the petition was filed. The Lieutenant Governor then notifies the committee whether the petition was properly or improperly filed and also at which election the proposition will appear on the ballot. (*Ref. AS 15.45.380*) If a referendum petition is properly filed, the \$100 deposit is refunded. (*Ref. AS 15.45.260*)

IMPROPER FILING

A referendum is improperly filed if:

1. there is an insufficient number of signatures or qualified signers;
2. the signers did not reside in at least three-fourths of the house districts of the state; or
3. the petition was not filed within 90 days after the adjournment of the legislative session at which the act was passed. (*Ref. AS 15.45.390*)

FILING A SUPPLEMENTARY PETITION

If a referendum is improperly filed, the referendum committee may amend and correct the petition by circulating and filing a supplementary petition **within 10 days** of the date that notice was given by the Lieutenant Governor if 90 days has expired after the adjournment of the legislative session at which the act was passed. *(Ref. AS 15.45.400)*

PLACING THE REFERENDUM ON THE BALLOT

The proposition will be placed on the ballot for the first statewide general, special or primary election that is held more than 180 days after the adjournment of the legislative session at which the act was passed. *(Ref. 15.45.420)*

REJECTION OF THE ACT

If a majority of the votes cast on the referendum favor the rejection of the act referred, the act is rejected, and the Lieutenant Governor shall so certify. The act rejected by referendum is void 30 days after certification of the election results. *(Ref. AS 15.45.440)*

To write or to discuss this in person, contact:

Benjamin Shier

Office of the Lt. Governor
PO Box 110015
Juneau, AK 99811-0015
(907) 465-3520

Carol Thompson

Division of Elections
619 E. Ship Creek Ave. #329
Anchorage, AK 99501-1677
(907) 345-6400 or toll free (877) 375-6508

Referendum Committee Members

Three Primary Sponsors

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

Title of Act to be Referred: _____

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

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

Referendum 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 Social Security No.)
Phone Number:	_____
Signature:	_____

Referendum 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 Social Security No.)
Phone Number:	_____
Signature:	_____

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

Signature Pages – SAMPLE PAGE
Qualified Sponsors

NOTE: Each signature page of the application must include the act to be referred and a statement that the sponsors are qualified voters who signed the application as per Alaska Statute 15.45.270. It is your responsibility to determine where you place this information. Signers must provide their printed name, address, identifier and signature as reflected below. In addition, each referendum committee member must also sign the application as a sponsor.

	Printed Name (Print Clearly)	Address City, State & Zip	Identifier (Voter No., Date of Birth, AK Driver's License No., Social Security No. or Last 4 of Social Security No.)	Signature
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

No. of Petition Signatures - 2008 General Election

Statewide = 10% Requirement
House District = 7% Requirement

Statewide	No. Ballots Cast 2008 General	10%	No. Signatures Required
Statewide	327,341	32,734	32,734
District	No. Ballots Cast 2008 General	7%	No. Signatures Required
1	6,763	473.41	473
2	7,524	526.68	527
3	8,346	584.22	584
4	8,356	584.92	585
5	6,904	483.28	483
6	6,470	452.9	453
7	10,272	719.04	719
8	9,663	676.41	676
9	6,466	452.62	453
10	5,110	357.7	358
11	9,248	647.36	647
12	7,108	497.56	498
13	10,753	752.71	753
14	9,642	674.94	675
15	10,441	730.87	731
16	10,176	712.32	712
17	8,999	629.93	630
18	5,666	396.62	397
19	6,777	474.39	474
20	4,571	319.97	320
21	8,148	570.36	570
22	5,961	417.27	417
23	6,429	450.03	450
24	6,872	481.04	481
25	5,761	403.27	403
26	8,127	568.89	569
27	7,981	558.67	559
28	9,342	653.94	654
29	6,311	441.77	442
30	8,601	602.07	602
31	9,813	686.91	687
32	11,878	831.46	831
33	8,449	591.43	591
34	9,182	642.74	643
35	9,054	633.78	634
36	6,392	447.44	447
37	4,445	311.15	311
38	4,610	322.7	323
39	4,974	348.18	348
40	4,610	322.7	323