

**HOUSE BILL NO. 36**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOHANSEN, MILLETT, AND WILSON

Introduced: 1/20/09

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act prohibiting initiatives that are substantially similar to those that failed within  
2 the previous two years; relating to financial disclosure reporting dates for persons,  
3 groups, and nongroup entities that expend money in support of or in opposition to  
4 initiatives, initiative information contained in election pamphlets, initiative petitions,  
5 initiative petition circulators, and public hearings for initiatives; and requiring a  
6 standing committee of the legislature to consider initiatives scheduled for appearance on  
7 the election ballot."

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 \* **Section 1.** AS 15.13.110(e) is amended to read:

10 (e) A group formed to sponsor [AN INITIATIVE,] a referendum or a recall  
11 shall report 30 days after its first filing with the lieutenant governor. Thereafter, each  
12 group shall report within 10 days after the end of each calendar quarter on the  
13 contributions received and expenditures made during the preceding calendar quarter

1 until reports are due under (a) of this section.

2 \* **Sec. 2.** AS 15.13.110 is amended by adding a new subsection to read:

3 (g) An initiative committee, person, group, or nongroup entity receiving  
4 contributions exceeding \$500 or making expenditures exceeding \$500 in a calendar  
5 year in support of or in opposition to an initiative shall report within 10 days after the  
6 end of each calendar quarter on the contributions received and expenditures made  
7 during the preceding calendar quarter until reports are due under (a) and (b) of this  
8 section. If the report is a first report, it must cover the period beginning on the day an  
9 application is filed under AS 15.45.020 and ending three days before the due date of  
10 the report.

11 \* **Sec. 3.** AS 15.45.010 is amended by adding a new subsection to read:

12 (b) An initiative may not be proposed that is substantially similar to an  
13 initiative appearing on the ballot during the previous two years that did not receive a  
14 majority of votes in favor of its adoption.

15 \* **Sec. 4.** AS 15.45.090(a) is amended to read:

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

19 (1) a copy of the proposed bill [IF THE NUMBER OF WORDS  
20 INCLUDED IN BOTH THE FORMAL AND SUBSTANTIVE PROVISIONS OF  
21 THE BILL IS 500 OR LESS];

22 (2) an impartial summary of the subject matter of the bill;

23 (3) a statement of minimum costs to the state associated with  
24 certification of the initiative application and review of the initiative petition, excluding  
25 legal costs to the state and the costs to the state of any challenge to the validity of the  
26 petition;

27 (4) an estimate of the cost to the state of implementing the proposed  
28 law;

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

30 (6) sufficient space for the printed name, a numerical identifier, the  
31 signature, the date of signature, and the address of each person signing the petition;

1 and

2 (7) other specifications prescribed by the lieutenant governor to ensure  
3 proper handling and control.

4 \* **Sec. 5.** AS 15.45.110(c) is amended to read:

5 (c) A circulator may not receive payment or agree to receive payment [THAT  
6 IS GREATER THAN \$1 A SIGNATURE], and a person or an organization may not  
7 pay or agree to pay an amount, **based on the number of registered voters who**  
8 **signed the petition. Nothing in this subsection prohibits a person or an**  
9 **organization from employing a circulator and:**

10 (1) **paying an hourly wage or salary;**

11 (2) **establishing either express or implied minimum signature**  
12 **requirements for the circulator;**

13 (3) **terminating the petition circulator's employment if the**  
14 **circulator fails to meet certain productivity requirements; or**

15 (4) **paying discretionary bonuses based on reliability, longevity,**  
16 **and productivity** [THAT IS GREATER THAN \$1 A SIGNATURE, FOR THE  
17 COLLECTION OF SIGNATURES ON A PETITION].

18 \* **Sec. 6.** AS 15.45.110 is amended by adding a new subsection to read:

19 (g) A circulator may not concurrently solicit signatures for more than one  
20 petition.

21 \* **Sec. 7.** AS 15.45.130 is amended to read:

22 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition  
23 shall be certified by an affidavit by the person who personally circulated the petition.  
24 In determining the sufficiency of the petition, the lieutenant governor may not count  
25 subscriptions on petitions not properly certified at the time of filing or corrected before  
26 the subscriptions are counted. The affidavit must state in substance

27 (1) that the person signing the affidavit meets the residency, age, and  
28 citizenship qualifications for circulating a petition under AS 15.45.105;

29 (2) that the person is the only circulator of that petition;

30 (3) that the signatures were made in the circulator's actual presence;

31 (4) that, to the best of the circulator's knowledge, the signatures are the

1 signatures of the persons whose names they purport to be;

2 (5) that, to the best of the circulator's knowledge, the signatures are of  
3 persons who were qualified voters on the date of signature;

4 (6) that the circulator has not entered into an agreement with a person  
5 or organization in violation of AS 15.45.110(c); **and**

6 (7) that the circulator has not violated AS 15.45.110(d) **or (g)** with  
7 respect to that petition [; AND

8 (8) WHETHER THE CIRCULATOR HAS RECEIVED PAYMENT  
9 OR AGREED TO RECEIVE PAYMENT FOR THE COLLECTION OF  
10 SIGNATURES ON THE PETITION, AND, IF SO, THE NAME OF EACH PERSON  
11 OR ORGANIZATION THAT HAS PAID OR AGREED TO PAY THE  
12 CIRCULATOR FOR COLLECTION OF SIGNATURES ON THE PETITION].

13 \* **Sec. 8.** AS 15.45 is amended by adding a new section to read:

14 **Sec. 15.45.135. Public hearings.** The sponsors shall hold public hearings in at  
15 least 30 house districts within one year after the application is certified by the  
16 lieutenant governor under AS 15.45.070.

17 \* **Sec. 9.** AS 15.58.010 is amended to read:

18 **Sec. 15.58.010. Election pamphlet.** Before each state general election, and  
19 before each state primary **or special** election at which a ballot proposition is scheduled  
20 to appear on the ballot, the lieutenant governor shall prepare, publish, and mail at least  
21 one election pamphlet to each household identified from the official registration list.  
22 The pamphlet shall be prepared on a regional basis as determined by the lieutenant  
23 governor.

24 \* **Sec. 10.** AS 15.58.020(b) is amended to read:

25 (b) Each primary **or special** election pamphlet shall contain only the  
26 information specified in (a)(6) and (a)(9) of this section for each ballot measure  
27 scheduled to appear on the primary election ballot.

28 \* **Sec. 11.** AS 15.58.060 is amended by adding a new subsection to read:

29 (d) The qualified voters designated as sponsors of an initiative under  
30 AS 15.45.060 shall pay to the lieutenant governor the printing costs, including the cost  
31 of printing the full text of the initiative in election pamphlets, as required under

1 AS 15.58.020(a)(6)(A) and AS 15.58.020(b).

2 \* **Sec. 12.** AS 24.05 is amended by adding a new section to article 4 to read:

3 **Sec. 24.05.186. Review of initiatives certified by the lieutenant governor by**  
4 **standing committees of the legislature.** (a) A standing committee of the legislature  
5 shall consider an initiative that the lieutenant governor has determined was properly  
6 filed under AS 15.45.160.

7 (b) A standing committee shall conduct reviews under this section within 30  
8 days after the convening of the legislative session preceding the statewide election at  
9 which the initiative proposition must appear on the election ballot under  
10 AS 15.45.190.

11 \* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 **APPLICABILITY.** This Act applies to an initiative for which the application was filed  
14 with the lieutenant governor under AS 15.45.020 on or after the effective date of this Act.