

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 36
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOHANSEN, MILLETT, AND PEGGY WILSON, Johnson

Introduced: 3/25/09

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to ballot initiative proposal applications and to ballot initiatives."**

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

3 *** Section 1.** AS 15.13.040(k) is amended to read:

4 (k) Every individual, person, nongroup entity, or group contributing a total of
5 \$500 or more to a group organized for the principal purpose of influencing the
6 outcome of a proposition, **and every individual, person, nongroup entity, or group**
7 **contributing a total of \$500 or more to a group organized for the principal**
8 **purpose of filing an initiative proposal application under AS 15.45.020 or that has**
9 **filed an initiative proposal application under AS 15.45.020,** shall report the
10 contribution or contributions on a form prescribed by the commission not later than 30
11 days after the contribution that requires the contributor to report under this subsection
12 is made. The report must include the name, address, principal occupation, and
13 employer of the individual filing the report and the amount of the contribution, as well
14 as the total amount of contributions made to that group by that individual, person,
15 nongroup entity, or group during the calendar year.

1 * **Sec. 2.** AS 15.13.050(a) is amended to read:

2 (a) Before making an expenditure in support of or in opposition to a candidate
3 or before making an expenditure in support of or in opposition to a ballot proposition
4 or question **or to an initiative proposal application filed with the lieutenant**
5 **governor under AS 15.45.020**, each person other than an individual shall register, on
6 forms provided by the commission, with the commission.

7 * **Sec. 3.** AS 15.13.065(c) is amended to read:

8 (c) Except for reports required by AS 15.13.040 and 15.13.110 and except for
9 the requirements of AS 15.13.050, 15.13.060, and 15.13.112 - 15.13.114, the
10 provisions of AS 15.13.010 - 15.13.116 do not apply to limit the authority of a person
11 to make contributions to influence the outcome of a ballot proposition. In this
12 subsection, in addition to its meaning in AS 15.60.010, "proposition" includes

13 **(1)** an issue placed on a ballot to determine whether

14 **(A)** [(1)] a constitutional convention shall be called;

15 **(B)** [(2)] a debt shall be contracted;

16 **(C)** [(3)] an advisory question shall be approved or rejected; or

17 **(D)** [(4)] a municipality shall be incorporated;

18 **(2)** **an initiative proposal application filed with the lieutenant**
19 **governor under AS 15.45.020.**

20 * **Sec. 4.** AS 15.13.110(e) is amended to read:

21 (e) A group formed to sponsor [AN INITIATIVE,] a referendum or a recall
22 shall report 30 days after its first filing with the lieutenant governor. Thereafter, each
23 group shall report within 10 days after the end of each calendar quarter on the
24 contributions received and expenditures made during the preceding calendar quarter
25 until reports are due under (a) of this section.

26 * **Sec. 5.** AS 15.13.110 is amended by adding a new subsection to read:

27 (g) This subsection applies to

28 (1) an initiative committee, person, group, or nongroup entity receiving
29 contributions exceeding \$500 or making expenditures exceeding \$500 in a calendar
30 year in support of or in opposition to

31 (A) an initiative; or

1 (B) an initiative proposal application filed with the lieutenant
2 governor under AS 15.45.020;

3 (2) require a report by a person identified in (1) of this subsection
4 within 10 days after the end of each calendar quarter on the contributions received and
5 expenditures made during the preceding calendar quarter until reports are due under
6 (a) and (b) of this section; if the report is a first report, it must cover the period
7 beginning on the day an initiative proposal application is filed under AS 15.45.020 and
8 ending three days before the due date of the report.

9 * **Sec. 6.** AS 15.13.400(4) is amended to read:

10 (4) "contribution"

11 (A) means a purchase, payment, promise or obligation to pay,
12 loan or loan guarantee, deposit or gift of money, goods, or services for which
13 charge is ordinarily made, **and includes the payment by a person other than**
14 **a candidate or political party, or compensation for the personal services of**
15 **another person, that is rendered to the candidate or political party,** and
16 that is made for the purpose of

17 (i) influencing the nomination or election of a
18 candidate;

19 (ii) [, AND IN AS 15.13.010(b) FOR THE PURPOSE
20 OF] influencing a ballot proposition or question; **or**

21 (iii) **supporting or opposing an initiative proposal**
22 **application filed with the lieutenant governor under AS 15.45.020** [,
23 INCLUDING THE PAYMENT BY A PERSON OTHER THAN A
24 CANDIDATE OR POLITICAL PARTY, OR COMPENSATION FOR
25 THE PERSONAL SERVICES OF ANOTHER PERSON, THAT ARE
26 RENDERED TO THE CANDIDATE OR POLITICAL PARTY];

27 (B) does not include

28 (i) services provided without compensation by
29 individuals volunteering a portion or all of their time on behalf of a
30 political party, candidate, or ballot proposition or question;

31 (ii) ordinary hospitality in a home;

1 (iii) two or fewer mass mailings before each election by
 2 each political party describing the party's slate of candidates for
 3 election, which may include photographs, biographies, and information
 4 about the party's candidates;

5 (iv) the results of a poll limited to issues and not
 6 mentioning any candidate, unless the poll was requested by or designed
 7 primarily to benefit the candidate;

8 (v) any communication in the form of a newsletter from
 9 a legislator to the legislator's constituents, except a communication
 10 expressly advocating the election or defeat of a candidate or a
 11 newsletter or material in a newsletter that is clearly only for the private
 12 benefit of a legislator or a legislative employee; or

13 (vi) a fundraising list provided without compensation
 14 by one candidate or political party to a candidate or political party;

15 * **Sec. 7.** AS 15.13.400(6) is amended to read:

16 (6) "expenditure"

17 (A) means a purchase or a transfer of money or anything of
 18 value, or promise or agreement to purchase or transfer money or anything of
 19 value, incurred or made for the purpose of

20 (i) influencing the nomination or election of a candidate
 21 or of any individual who files for nomination at a later date and
 22 becomes a candidate;

23 (ii) use by a political party;

24 (iii) the payment by a person other than a candidate or
 25 political party of compensation for the personal services of another
 26 person that are rendered to a candidate or political party; [OR]

27 (iv) influencing the outcome of a ballot proposition or
 28 question; **or**

29 **(v) supporting or opposing an initiative proposal**
 30 **application filed with the lieutenant governor under AS 15.45.020;**

31 (B) does not include a candidate's filing fee or the cost of

1 preparing reports and statements required by this chapter;

2 (C) includes an express communication and an electioneering
3 communication, but does not include an issues communication;

4 * **Sec. 8.** AS 15.45.010 is amended by adding a new subsection to read:

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

8 * **Sec. 9.** AS 15.45.090(a) is amended to read:

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

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

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

16 (3) a statement of minimum costs to the state associated with
17 certification of the initiative application and review of the initiative petition, excluding
18 legal costs to the state and the costs to the state of any challenge to the validity of the
19 petition;

20 (4) an estimate of the cost to the state of implementing the proposed
21 law;

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

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

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

28 * **Sec. 10.** AS 15.45.110(c) is amended to read:

29 (c) A circulator may not receive payment or agree to receive payment [THAT
30 IS GREATER THAN \$1 A SIGNATURE], and a person or an organization may not
31 pay or agree to pay an amount, based on the number of registered voters who sign a

1 **petition. This subsection does not prohibit a person or an organization from**
 2 **employing a circulator and**

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

4 **(2) establishing express or implied minimum signature**
 5 **requirements for the circulator;**

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

8 **(4) paying discretionary bonuses based on the circulator's**
 9 **reliability, longevity, and productivity** [THAT IS GREATER THAN \$1 A
 10 SIGNATURE, FOR THE COLLECTION OF SIGNATURES ON A PETITION].

11 * **Sec. 11.** AS 15.45.110 is amended by adding a new subsection to read:

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

14 * **Sec. 12.** AS 15.45.130 is amended to read:

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

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

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

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

24 (4) that, to the best of the circulator's knowledge, the signatures are the
 25 signatures of the persons whose names they purport to be;

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

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

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

1 (8) WHETHER THE CIRCULATOR HAS RECEIVED PAYMENT
 2 OR AGREED TO RECEIVE PAYMENT FOR THE COLLECTION OF
 3 SIGNATURES ON THE PETITION, AND, IF SO, THE NAME OF EACH PERSON
 4 OR ORGANIZATION THAT HAS PAID OR AGREED TO PAY THE
 5 CIRCULATOR FOR COLLECTION OF SIGNATURES ON THE PETITION].

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

7 **Sec. 15.45.135. Public hearings.** (a) After the application is certified by the
 8 lieutenant governor under AS 15.45.070 and before the petition is filed under
 9 AS 15.45.140, the sponsors shall hold public hearings concerning the proposed bill in
 10 at least 30 house districts.

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

15 (c) At the time of reviewing a petition under AS 15.45.150, the lieutenant
 16 governor shall determine whether the sponsors have complied with the requirements
 17 of this section. The lieutenant governor shall determine that the petition was
 18 improperly filed and notify the committee under AS 15.45.160 that the proposition
 19 may not be placed on the ballot if the sponsors failed to

20 (1) hold public hearings in at least 30 house districts; or

21 (2) provide reasonable notice of each public hearing.

22 * **Sec. 14.** AS 15.45.140 is amended by adding a new subsection to read:

23 (c) The sponsors shall include with the petition filed under (a) of this section a
 24 sworn affidavit showing that the sponsors have complied with the requirements of
 25 AS 15.45.135(a) and (b). Proof acceptable to the lieutenant governor that the sponsors
 26 have complied with the requirements of AS 15.45.135 must accompany the affidavit.

27 * **Sec. 15.** AS 15.45.150 is amended to read:

28 **Sec. 15.45.150. Review of petition.** Within not more than 60 days of the date
 29 the petition was filed, the lieutenant governor shall review the petition, **affidavit, and**
 30 **any accompanying material required under AS 15.45.140(c)**, and shall notify the
 31 initiative committee whether the petition was properly or improperly filed, and at

1 which election the proposition shall be placed on the ballot.

2 * **Sec. 16.** AS 15.45.160 is amended to read:

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

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

6 (1) there is an insufficient number of qualified subscribers; [OR]

7 (2) the subscribers were not resident in at least two-thirds of the house
8 districts of the state;

9 **(3) the initiative sponsors did not hold public hearings in at least**
10 **30 house districts; or**

11 **(4) the initiative sponsors failed to provide reasonable notice of**
12 **each public hearing.**

13 * **Sec. 17.** AS 15.58.010 is amended to read:

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

20 * **Sec. 18.** AS 15.58.020(b) is amended to read:

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

24 * **Sec. 19.** AS 24.05 is amended by adding a new section to article 4 to read:

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

29 (b) A standing committee shall conduct reviews under this section within 30
30 days after the convening of the legislative session preceding the statewide election at
31 which the initiative proposition must appear on the election ballot under

1 AS 15.45.190.

2 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 APPLICABILITY. This Act applies only to an initiative proposed by filing an
5 application with the lieutenant governor under AS 15.45.020 that is filed on or after the
6 effective date of this Act.