SENATE CS FOR CS FOR HOUSE BILL NO. 45(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/3/00
Referred: Finance

Sponsor(s): REPRESENTATIVE WILLIAMS

A BILL

FOR AN ACT ENTITLED

"An Act relating to initiative, referendum, and recall petitions; and providing for an effective date."

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

* Section 1. AS 15.45.110(a) is amended to read:

(a) The petitions may be circulated throughout the state [ONLY BY A SPONSOR AND] only in person.

* Sec. 2. AS 15.45.110(c) is amended to read:

(c) A circulator [SPONSOR] 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.

* Sec. 3. AS 15.45.110(e) is amended to read:

(e) A person or organization that violates (c) or (d) [(b) - (d)] of this section is guilty of a class B misdemeanor.
Sec. 4. AS 15.45.130 is amended to read:

Sec. 15.45.130. Certification of 

The affidavit must state in substance that (1) the person signing the affidavit meets the residency, age, and citizenship qualifications of AS 15.05.010 [IS A SPONSOR], (2) the person is the only circulator of that petition, (3) the signatures were made in the actual presence, (4) to the best of the knowledge, the signatures are those of the persons whose names they purport to be, (5) the signatures are of persons who were qualified voters on the date of signature, (6) the person has not entered into an agreement with a person or organization in violation of AS 15.45.110(c), (7) the person has not violated AS 15.45.110(d) with respect to that petition, and (8) the prominently placed, in the space provided under AS 15.45.090(5) before circulation of the petition, the name and, if the 

The circulator [SPONSOR] has received payment or agreed to receive payment for the collection of signatures on the petition, the name of each person or organization that has paid or agreed to pay the for collection of signatures on the petition. In determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified.

Sec. 5. AS 15.45.140 is amended to read:

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) [AND] resident in at least three-fourths [TWO-THIRDS] of the house [ELECTION] 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 four 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. 6. AS 15.45.340 is amended to read:

Sec. 15.45.340. Circulation [BY SPONSOR]. The petitions may be circulated throughout the state [ONLY BY A SPONSOR AND] only in person.

* Sec. 7. AS 15.45.360 is amended to read:

Sec. 15.45.360. Certification of circulator [SPONSOR]. Before being filed, each petition shall be certified by an affidavit by the sponsor who circulated the petition. The affidavit must [SHALL] state in substance that (1) the person signing the affidavit meets the residency, age, and citizenship qualifications of AS 15.05.010 [IS A SPONSOR], (2) the person is the only circulator of the petition, (3) the signatures were made in the circulator's [SPONSOR'S] actual presence, and (4) to the best of the circulator's [SPONSOR'S] knowledge, the signatures are the signatures of persons whose names they purport to be. In determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified.

* Sec. 8. AS 15.45.370 is amended to read:

Sec. 15.45.370. Filing of petition. The sponsors may file the petition

(1) only within 90 days after the adjournment of the legislative session at which the act was passed; and

(2) only if it meets all of the following requirements: it is signed by qualified voters

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

(B) [AND] resident in at least three-fourths [TWO-THIRDS] of the house [ELECTION] districts of the state; and

(C) who, in each of the house districts described in (B) of this paragraph, are equal in number to at least four percent of those who voted in the preceding general election in the house district.
* Sec. 9. AS 15.45.580 is amended to read:

Sec. 15.45.580. Circulation [BY SPONSOR]. The petitions may be circulated [ONLY BY A SPONSOR AND] only in person throughout the state or senate or house [ELECTION] district represented by the official sought to be recalled.

* Sec. 10. AS 15.45.600 is amended to read:

Sec. 15.45.600. Certification of circulator [SPONSOR]. Before being filed, each petition shall be certified by an affidavit by the circulator [SPONSOR] who personally circulated the petition. The affidavit must [SHALL] state in substance that (1) the person signing the affidavit meets the residency, age, and citizenship qualifications of AS 15.05.010 [IS A SPONSOR], (2) the person is the only circulator of that petition or copy, (3) the signatures were made in the circulator's [SPONSOR'S] actual presence, and (4) to the best of the circulator's [SPONSOR'S] knowledge, the signatures are those of the persons whose names they purport to be. In determining the sufficiency of the petition, the director may not count subscriptions on petitions not properly certified.

* Sec. 11. AS 15.45.110(b) is repealed.

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

CONDITIONAL EFFECT OF ACT. Sections 5 and 8 of this Act take effect only if a constitutional amendment requiring signatures from four percent of the qualified voters who voted in the district in the preceding general election in each of three-fourths of the house districts of the state is passed by the legislature and approved by the voters at the 2000 general election.

* Sec. 13. If sections 5 and 8 of this Act take effect under sec. 12 of this Act, they take effect on the effective date of the amendment described in sec. 12 of this Act.

* Sec. 14. Sections 1 - 4, 6, 7, and 9 - 12 of this Act take effect immediately under AS 01.10.070(c).