

LEGAL SERVICES

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MEMORANDUM

February 21, 2011

SUBJECT: General obligation bonds on the ballot
(Amendment 27-LS0008\T.1 for HB 74)

TO: Representative Wes Keller
Attn: Ernest Prax

FROM: Alpheus Bullard *AB*
Legislative Counsel

You have asked at which elections a general obligation bond (G.O. bond) may appear on the ballot and whether the addition of the word "primary" in sec. 10 of the bill (p. 5, l. 28) operates to permit the appearance of G.O. bonds on a primary election ballot.

While art. IX, sec. 8¹ of the state constitution does not require that G.O. bond questions be ratified at a general or special election, I am not aware of a bond proposition ever appearing on a primary election ballot.² AS 15.15.030(11) provides that the "director [of elections] shall place the question of whether the specific authorization shall be ratified by placing the ballot title and question on the next general election ballot, or on the special election ballot if a special election is held for the purpose of ratifying the state debt for capital improvements before the time of the next general election [. . .]". AS 37.15.015 requiring the state bond committee to prepare a notice before an election at which a bond issue is offered for ratification), references only general and special elections.

¹ **State debt.** No state debt shall be contracted unless authorized by law for capital improvements or unless authorized by law for housing loans for veterans, and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasions, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

² A list of bond propositions appearing on the ballot in Alaska, provided by the Division of Elections at <http://ltgov.state.ak.us/elections/doc/forms/H30.pdf>, accessed February 21, 2011, shows almost all bond questions appearing on November (i.e. general election) ballots. However, according to the division, there was a bond question on the ballot on March 6, 1973, the date of the special election when Don Young was first elected to the U. S. House of Representatives.

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The inclusion of the word "primary" in section 10 does not serve to alter the elections at which a G.O. bond may appear. It requires the state bond committee to prepare a notice for inclusion in the election pamphlet, if a G.O. bond is offered for ratification on the primary ballot. However, given the language of AS 15.15.030(11), I would recommend removing the word "primary" for consistency between the applicable statutes.

If you have further questions, please do not hesitate to contact me.

TLAB:ljw:plm

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