

HOUSE CS FOR SENATE BILL NO. 313(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/10/98

Referred: Rules

Sponsor(s): SENATOR SHARP

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sponsor certification of initiative petitions; relating to sponsor
2 identification during petition circulation; relating to the voidability of an initiated
3 law; placing limitations on the compensation that may be paid to sponsors of
4 initiative petitions; prohibiting payments to persons who sign or refrain from
5 signing initiative petitions; and repealing procedures for filing a supplementary
6 initiative petition."

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

8 * **Section 1.** AS 15.45.090 is amended to read:

9 **Sec. 15.45.090. Preparation of petition.** If the application is certified, the
10 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a
11 copy of the proposed bill [,] if the number of words included in both the formal and
12 substantive provisions of the bill is 500 or less, (2) an impartial summary of the
13 subject matter of the bill, (3) the warning prescribed in AS 15.45.100, (4) sufficient

space for signature and address, [AND] (5) **sufficient space at the bottom of each page for the information required by AS 15.45.130(8), and (6)** other specifications prescribed by the lieutenant governor to assure proper handling and control. Petitions, for purposes of circulation, shall be prepared by the lieutenant governor in a number reasonably calculated to allow full circulation throughout the state. The lieutenant governor shall number each petition and shall keep a record of the petition delivered to each sponsor. Upon request of the committee, the lieutenant governor shall report the number of persons who voted in the preceding general election.

* **Sec. 2.** AS 15.45.110 is amended by adding new subsections to read:

(b) A sponsor shall display identification containing the sponsor's name when circulating a petition.

(c) A 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.

(d) A person or organization may not knowingly pay, offer to pay, or cause to be paid money or other valuable thing to a person to sign or refrain from signing a petition.

(e) A person or organization that violates (b) - (d) of this section is guilty of a class B misdemeanor.

(f) In this section,

(1) "organization" has the meaning given in AS 11.81.900;

(2) "other valuable thing" has the meaning given in AS 15.56.030(d);

(3) "person" has the meaning given in AS 11.81.900.

* **Sec. 3.** AS 15.45.130 is amended to read:

Sec. 15.45.130. Certification of sponsor. Before being filed, each petition shall be certified by an affidavit by the sponsor who personally circulated the petition. The affidavit **must** [SHALL] state in substance that (1) the person signing the affidavit is a sponsor, (2) the person is the only circulator of that petition, (3) the signatures were made in the sponsor's actual presence, [AND] (4) to the best of the sponsor's 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 sponsor prominently placed, in the space provided under AS 15.45.090(5) before circulation of the petition, in bold capital letters, the sponsor's name and, if the 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 sponsor 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. 4.** AS 15.45.190 is amended to read:

Sec. 15.45.190. Placing proposition on ballot. The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot of the first statewide general, special, or primary election that is held after

(1) the petition has [AND ANY SUPPLEMENTARY PETITION HAVE] been filed; [,]

(2) a legislative session has convened and adjourned; [,] and

(3) a period of 120 days has expired since the adjournment of the legislative session.

* **Sec. 5.** AS 15.45.240 is amended to read:

Sec. 15.45.240. Judicial review. Any person aggrieved by a determination made by the lieutenant governor under AS 15.45.010 - 15.45.220 [AS 15.45.010 - 15.45.230] may bring an action in the superior court to have the determination reviewed within 30 days of the date on which notice of the determination was given.

* **Sec. 6.** AS 15.56.090(a) is amended to read:

(a) A person commits the crime of improper subscription to petition if the person

(1) signs a name other than the person's own to a petition proposing an initiative, referendum, recall, or nomination of a candidate for state or local office;

(2) knowingly signs more than once for the same proposition, question,

1 or candidate at one election; [OR]

2 (3) signs a petition proposing an initiative, referendum, recall, or
 3 nomination of a candidate for state or local office, while knowingly not being a
 4 qualified voter; or

5 (4) solicits, accepts, or agrees to accept money or other valuable
 6 thing in exchange for signing or refraining from signing a petition proposing an
 7 initiative; in this paragraph, "other valuable thing" has the meaning given in
 8 AS 15.56.030(d).

9 * **Sec. 7.** AS 15.45.170 and 15.45.230 are repealed.

10 * **Sec. 8. APPLICABILITY.** (a) AS 15.45.110(b), as enacted by sec. 2 of this Act, applies
 11 only to sponsors of petitions that arise from an initiative application that is certified under
 12 AS 15.45.070 on or after the effective date of this Act.

13 (b) AS 15.45.110(c) - (f), as enacted by sec. 2 of this Act, apply only to agreements
 14 entered into, payments under agreements entered into, and offers made on or after the effective
 15 date of this Act.

16 (c) AS 15.45.130, as amended by sec. 3 of this Act, applies only to affidavits required
 17 for filing of a petition that is certified under AS 15.45.070 on or after the effective date of this
 18 Act.

19 (d) AS 15.56.090(a), as amended by sec. 6 of this Act, applies only to solicitations,
 20 acceptances, or agreements made on or after the effective date of this Act.

21 (e) The amendment to AS 15.45.190 made by sec. 4 of this Act and the repeal of
 22 AS 15.45.170 made by sec. 7 of this Act apply only to petitions that arise from an initiative
 23 application that is certified under AS 15.45.070 on or after the effective date of this Act.

24 (f) The amendment to AS 15.45.240 made by sec. 5 of this Act and the repeal of
 25 AS 15.45.230 made by sec. 7 of this Act apply only to initiatives that arise from an initiative
 26 application that is certified under AS 15.45.070 on or after the effective date of this Act.