FOLDER NO.

203.039
Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on Initiative, Referendum and Recall for consideration by the Convention.

We desire to call attention to several changes made by our committee since the enrolled copy of this proposal was delivered to delegates. Some of these were necessitated, in our opinion, to make the initiative and referendum processes clear and workable. We will ask for suspension of the rules to incorporate such amendments as are substantive in nature.

In Section 2, we have distinguished between the initial document to be filed by the 100 sponsors and the document which is circulated throughout the State. Both, in the enrolled copy, are referred to as "the petition" though it seems clear from the description of what each must contain that they are separate documents. We have called the first an application (Section 2) and the second a petition (Sections 3, 4 and 5). This is desirable, we feel, because it makes it clear, among other things, that the filing date mentioned in Section 5 applies to the completed signed petition and not to the initial application by the 100 sponsors.

In Sections 2, 3, 4, 5 and 6, we have changed "attorney general" to "secretary of state" in accordance with specific instructions from the convention.

In Sections 4 and 5, we fix on the secretary of state the responsibility for placing the initiative or referendum question on the ballot. The enrolled copy provides merely that the proposition "shall go upon the ballot".

Committee Proposal No. 3 - Enrolled/Style and Drafting
In Section 4, we have provided that an initiative question shall not go on the ballot if substantially the same measure has been enacted at any time up to the holding of the election. We feel this is a more practicable provision than that in the enrolled copy. That provision is that only if substantially the same measure has been enacted at a particular session the question should be kept off the ballot. Initiative petitions may be filed at any time. They might be filed during a session of the legislature. We feel that if the requested legislation should be enacted at that session, the State should not be put to the trouble and expense of holding an election on the subject at some election occurring more than 120 days after the next session.

In Section 6, we have provided that a majority of votes cast on the proposition is required to enact an initiated law or defeat an act referred. The enrolled copy referred only to "a majority of the votes cast".

In Section 6, we provide that the secretary of state shall certify the election returns and we provide for dates when an initiated law approved at the polls shall take effect and when a referred law rejected at the polls should become void. These are admittedly amendments of substance. We offer them so as to make the article wholly self-executing which it was in enrolled form except in these respects. They might be added by the legislature, but the article's provision in this regard is that such procedures may be provided by the legislature. If legislators did not choose to do so, it is possible they could prevent the satisfactory working of the initiative and referendum. We hold no brief for the particular provision of 90 days in the case of the initiative and 30 days for the referendum, but feel these suggestions are appropriate.

In Section 6, we provide that the two years within which an initiative may not be repealed dates from its effective date.

There is one additional change, substantive in nature, which we feel should be incorporated, although we have not done so in our proposed draft. This would be to change the required minimum time before an election from 120 days in the case of the referendum to 180 days after the end of the legislative session. Petitions may be filed as late as 90 days after the session. Experience shows that the mechanics of getting ballots printed and distributed in Alaska, even when a petition does not have to be checked, requires at least 2½ months. The 30 days provided in the enrolled copy would be unworkable. If 180 days are provided, the measure could still go
on the ballot in October of the same year (if the legislature adjourns by the end of March as has been the custom).

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale
CONSTITUTIONAL CONVENTION OF ALASKA

RESOLVED, that the following be agreed upon as part of the Alaska State Constitution:

ARTICLE XI

INITIATIVE, REFERENDUM AND RECALL

1. Section 1. The people may propose and enact laws by the initiative and approve or reject acts of the legislature by the referendum.

2. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors and be filed with the secretary of state. If he finds it in proper form he shall so certify.

3. Denial of certification is subject to judicial review.

4. Section 3. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the secretary of state for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the secretary of state.

Committee Proposal No. 3 - Enrolled/Style and Drafting
Section 4. An initiative petition may be filed at any time. The secretary of state shall prepare a title and summary of the proposed law and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If before the election substantially the same measure has been enacted, the petition is void.

Section 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The secretary of state shall prepare a title and summary of the act and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of that session.

Section 6. A majority of the votes cast on the proposition is necessary for the enactment of an initiated law or for the defeat of an act referred. The secretary of state shall certify the election returns. An initiated law is effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.
Restrictions

1. Section 7. The initiative may not be used to dedicate revenues, make or repeal appropriations, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health or safety.

Recall

8. Section 8. All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.
Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on the Judiciary for consideration by the Convention.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale

Insert from attached sheet.
We desire to call attention to several
changes in the enrolled copy of this proposal we
held to be defective. One of these are necessitated, in our
opinion, to make the initiative and referendum
processes clear and workable. We will
ask for suspension of the rules to incorporate
such of these changes as are amendments as
are substantial in nature.

In Section 2, we have distinguished between
the initial document to be filed by the 100
sponsors and the document which is circulated
throughout the State. Both, in the enrolled
copy, are referred to as "the petition"
though it seems clear from the description
which each must contain that they
are separate documents. We have called
the first an application (Section 2) and
the second a petition (Sections 3, 4 and 5).

This is desirable, we feel, because it makes it
clear that the filing referred to in Sections
4 and 5 apply to the completed signed
petition filing late mentioned in Section 5
applies to the complete signed petition and not
to the initial application by the 100 sponsors.

In Sections 2, 3, 4, 5 and 6, we have
changed "attorney general" to "secretary of state"
in accordance with specific instruction from
the convention.

In Sections 8 and 9 we give to the secretary of state
the responsibility for placing the initiative
petition on the ballot. The enrolled copy
should only be the proposal which goes upon
the ballot.

In Section 4, we have provided that an initiative question shall not go on the ballot if substantially the same measure has been enacted before the ballot has been printed or at any time up to the holding of the election. We feel this is a more sensible provision than that in the enrolled copy which is that only if substantially the same measure has been enacted at a particular session the question should be kept off the ballot. Initiative petitions may be filed at any time. They must be filed during a session of the legislature. We feel that if the measure should be enacted the requested legislation should be enacted at that session, the State should not be paid to the trouble and expense of holding an election on the subject or some election occurring more than 120 days after the next session.

In Section 6, we have provided that a majority of votes cast on the proposition is required to send an initiated law or defeated act referred. The enrolled copy referred only to "a majority of the votes cast.

In Section 10, we provide that the secretary of state shall certify the election returns and we provide for dates when an initiated law approved in the polls shall take effect and when a referred law, rejected in the polls should become void. These are identical with amendments of substance we offer so as to make the article wholly self-executing which I am writing enrolled form extend in that respect.

with respect to initiative measures in only. They
Any minor or change by the legislature, but the article's provision in this regard is that such procedures may be provided by the legislature. If the legislature did not choose to do so, the courts could supply in the time.

It is possible they could proceed by reenactment, but not by the initiative and referendum.

We had no brief for the particular provision.

90 days in the case of the initiative and 30 days for the referendum, but feel these suggestions are appropriate.

A section 6, we provide that the two years within which an initiative may not be repealed, i.e., from its effective date.

This is one additional change, substantial in nature, which we feel should be incorporated although we have not done so in our proposed draft. This would be to change the required minimum time before an election from 120 days in the case of the referendum to 180 days after the election of the initiative.

This is the last section of the entire legislative session. Petitions may be filed as late as 90 days after the session. Experience shows the mechanics of getting ballots printed and distributed in time are serious when a petition does not have to be checked, requiring at least 2½ months. The 30 days provided in the cancelled copy would be unworkable.

If 180 days provided, the measure could still go on the ballot in October, (if the legislative adjourns by the end of February as has been the custom) of the same year.

Resolutely submitted, etc.
## Initiative, Referendum and Recall

### Section 1
The people (reserve the power to) propose and enact laws by the initiative and (to approve or reject acts of the legislature by the referendum).

### Section 2
An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than qualified voters as sponsors and be filed with the Secretary of State. If he finds it in proper form he shall so certify. Denial of certification is subject to judicial review.

### Section 3
After certification of the application, a petition containing a summary of the subject matter shall be prepared by the Secretary of State for circulation by the sponsors. If signed by qualified voters, equal in number to ten percent of those who voted in the preceding general election, and resident in at least two-thirds of the election districts of the State, it may be filed with the Secretary of State.

### Section 4
An initiative petition may be filed at any time. The Secretary of State shall prepare a title...
and summary of the proposed law and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If before the election substantially the same measure has been enacted, the petition is void.

Section 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The Secretary of State shall prepare a title and summary of the act and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of that session.

Section 6. A majority of the votes cast on the proposition is necessary for the enactment of an initiated law or for the defeat of an act referred. The Secretary of State shall certify the election returns. An initiated law is effective ninety days after certification, is not subject to veto, and may not be repealed by the Legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification.

Additional procedures for the initiative and referendum may be prescribed by law.

Section 7. The initiative may not be used to
1 dedicate revenues, make or repeal appropriations, or enact
2 local or special legislation. The referendum shall not be
3 applied to dedications of revenue, to appropriations, to
4 local or special legislation or to laws necessary for the
5 immediate preservation of the public peace, health or
6 safety.

Recall

Section 8. All elected public officials in the
State, except judicial officers, are subject to recall by
the voters of the State or political subdivision from
which elected. Procedures and grounds for recall shall
be prescribed by the Legislature.
Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on Initiative, Referendum and Recall for consideration by the Convention.

We desire to call attention to several changes made by our committee since the enrolled copy of this proposal was delivered to delegates. Some of these were necessitated, in our opinion, to make the initiative and referendum processes clear and workable. We will ask for suspension of the rules to incorporate such amendments as are substantive in nature.

In Section 2, we have distinguished between the initial document to be filed by the 100 sponsors and the document which is circulated throughout the State. Both, in the enrolled copy, are referred to as "the petition" though it seems clear from the description of what each must contain that they are separate documents. We have called the first an application (Section 2) and the second a petition (Sections 3, 4 and 5). This is desirable, we feel, because...
it makes it clear, among other things, that the filing date mentioned in Section 5 applies to the completed signed petition and not to the initial application by the 100 sponsors.

In Sections 2, 3, 4, 5 and 6, we have changed "attorney general" to "secretary of state" in accordance with specific instructions from the convention.

In Sections 4 and 5, we fix on the secretary of state the responsibility for placing the initiative or referendum question on the ballot. The enrolled copy provides merely that the proposition "shall go upon the ballot."

In Section 4, we have provided that an initiative question shall not go on the ballot if substantially the same measure has been enacted at any time up to the holding of the election. We feel this is a more sensible provision than that in the enrolled copy, which is that only if substantially the same measure has been enacted at a particular session the question should be kept off the ballot.

Initiative petitions may be filed at any time. They might be filed during a session of the legislature. We feel that if the requested legislation should be enacted at that session, the State should not be put to the trouble and expense of holding an election on the subject at some election occurring more than 120 days after the next session.

In Section 6, we have provided that a majority of votes cast on the proposition is required to enact an initiated law or defeat an act referred. The enrolled copy referred only to "a majority of the votes cast".
In Section 6, we provide that the secretary of state shall certify the election returns and we provide for dates when an initiated law approved by the polls shall take effect and when a referred law rejected at the polls should become void. These are admittedly amendments of substance. We offer them so as to make the article wholly self-executing which it was in enrolled form except in these respects. They might be added by the legislature, but the article’s provision in this regard is that such procedures may be provided by the legislature. If legislators did not choose to do so, it is possible they could prevent the satisfactory working of the initiative and referendum. We hold no brief for the particular provision of 90 days in the case of the initiative and 30 days for the referendum, but feel these suggestions are appropriate.

In Section 6, we provide that the two years within which an initiative may not be repealed dates from its effective date.

There is one additional change, substantive in nature, which we feel should be incorporated, although we have not done so in our proposed draft. This would be to change the required minimum time before an election from 120 days in the case of the referendum to 180 days after the end of the legislative session. Petitions may be filed as late as 90 days after the session. Experience shows that the mechanics of getting ballots printed and distributed in Alaska, even when a petition does not have to be checked, requires at least 2½ months. The 30 days provided in the enrolled copy would
be unworkable. If 180 days are provided, the measure could still go on the ballot in October (if the legislature adjourns by the end of March as has been the custom) of the same year.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale
January 19, 1956
Constitutional Convention
Committee Proposal/3/Enrolled

STYLE AND DRAFTING

CONSTITUTIONAL CONVENTION OF ALASKA

ARTICLE XI

INITIATIVE, REFERENDUM AND RECALL

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Section 2. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than 

Section 3. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the Secretary of State for circulation by the sponsors. If signed by qualified voters, equal in number to ten percent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the Secretary of State.

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and summary of the proposed law and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If before the election substantially the same measure has been enacted, the petition is void.

Section 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The Secretary of State shall prepare a title and summary of the act and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of that session.

Section 6. A majority of the votes cast on the proposition is necessary for the enactment of an initiated law or for the defeat of an act referred. The Secretary of State shall certify the election returns. An initiated law is effective ninety days after certification, is not subject to veto, and may not be repealed by the Legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. The Legislature may prescribe additional procedures for the initiative and referendum.\text{\textit{The initiative may not be used to\textit{}}
1 dedicate revenues, make or repeal appropriations, or enact
2 local or special legislation. The referendum shall not be
3 applied to dedications of revenue, to appropriations, to
4 local or special legislation, or to laws necessary for the
5 immediate preservation of the public peace, health or
6 safety.

Recall

7 Section 8. All elected public officials in the
8 State, except judicial officers, are subject to recall by
9 the voters of the State or political subdivision from
10 which elected. Procedures and grounds for recall shall
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