310.3X - CONSTITUTIONAL CONVENTION
C/P No. 3 - Amendment and Revision
5) Style & Drafting
   ARTICLE XIII.
   Jan. 28, 1956

1) original 12/9/55
2) amended 12/19
3) enrolled 1/9/56

ACE 585110
Hon. William A. Egan
President, Alaska Constitutional Convention

Dear Mr. President:

Your Committee on Direct Legislation, Amendment and Revision presents for your consideration and adoption its proposed Articles on Initiative, Referendum and Recall; and Amendment and Revision.

The Committee proposal, while incorporating many of the ideas contained in Convention Proposals No. 29 and 34, and in other drafts submitted to the Committee, is a Committee substitute.

A section by section commentary of the subject matter has been prepared by your Committee for the use of the Delegates to the Convention.

Respectfully submitted,
E. B. Collins, Chairman
Jack Hinckel
M. R. Marston
Irwin L. Metcalf
Warren A. Taylor
W. O. Smith
Leonard King
CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 3

Introduced by Committee on Direct Legislation

INITIATIVE, REFERENDUM AND RECALL
AMENDMENT AND REVISION

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

ARTICLE ON DIRECT LEGISLATION

Initiative 1  Section 1. The people reserve the power by petition
2 to propose laws and to enact or reject such laws at the
3 polls.

Referendum 4  Section 2. The people reserve the power to require,
5 by petition, that laws enacted by the legislature be
6 submitted to the voters for approval or rejection.

Procedure 7  Section 3. The legislature shall prescribe the
8 procedures to be followed in the exercise of the powers
9 of initiative and referendum, subject to the specific
10 authority reserved herein. No law shall be enacted to
11 hamper, restrict or impair the exercise of powers reserved
12 herein by the people.

Petitions, 13  Section 4. Prior to general circulation, an initia-
ballot 14 tive petition shall be signed by ten qualified electors
title, 15 as sponsors and have the constitutionality certified by
election, 16 the Attorney General. Certification shall be reviewable
vote re-
quired 18 shall be signed by qualified electors equal to eight
percent of the number of votes cast for Governor in the
preceding general election at which the Governor was
chosen. Petitions shall be filed with the Attorney Gen-
eral, who shall prepare a ballot title, and the adequa-
cy of the ballot title shall be reviewable by the courts.
Initiative petitions may be filed at any time. Refer-
endum petitions shall be filed within 90 days after ad-
journment of the legislative session at which the measure
was passed. Laws proposed by the initiative shall be
submitted to the voters by ballot title at an election
not later than 180 days after the adjournment of the
legislative session following the filing of the petition,
unless the legislature enacts the measure initiated
during the session. The question on referendum shall be
submitted to the voters by ballot title not later than
120 days after the filing of a petition against the mea-
sure. A majority of the votes cast is necessary for the
adoption of an initiated law, or the defeat of a measure
referred. No law passed by the initiative may be vetoed.
by the Governor nor amended or repealed by the legislature
for a period of three years.

Section 5. Neither the initiative nor referendum
may be used as a means of making or defeating appropria-
tions of public funds or earmarking of revenues nor for
local or special legislation. Emergency acts are not
Recall

Section 6. Every elected public official in the State, except judicial officers, is subject to recall by the voters of the State or subdivision from which elected. Grounds for recall are malfeasance, misfeasance, nonfeasance, or conviction of a crime involving moral turpitude. The legislature shall prescribe the recall procedures.
ARTICLE ON REVISION AND AMENDMENT

<table>
<thead>
<tr>
<th>Methods</th>
<th>1</th>
<th>Section 1. Revisions of or amendments to this constitution may be adopted by two succeeding legislatures, or be proposed by constitutional convention or by the legislature.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposals by Legislature</td>
<td>5</td>
<td>Section 2. Any legislature may by a two-thirds vote of each house propose amendments to the Constitution. Proposed amendments may be submitted by ballot title prepared by the Attorney General to the voters at the next general election. If a majority of the votes tallied on the question favor the adoption of the amendment, the amendment is adopted. Proposed amendments may be submitted to the next legislature not less than two years after being proposed. If the second legislature by a two-thirds vote of each house favors the adoption of the amendment, the amendment is adopted.</td>
</tr>
</tbody>
</table>

| Constitutional Convention | 17 | Section 3. The legislature may provide for Constitutional Conventions. If any ten-year period elapses during which the legislature has not called a convention, the Governor shall certify the question, "Shall there be a Constitutional Convention?" The question shall be submitted at the first general election following the expiration of such period. If a majority of the ballots cast upon the question are in the affirmative, delegates to the convention shall be |
ARTICLE ON REVISION AND AMENDMENT

chosen at the next regular election unless the legislature provides for the election of delegates at a special election.

Unless the legislature provides otherwise, the law providing for the Alaska Constitutional Convention of 1955 shall be followed insofar as possible relating to number of members, districts, convention powers, election and certification of delegates, submission and ratification of revisions and ordinances, and other applicable provisions. The appropriation provisions of the law shall be self-executing and shall constitute a first claim on the general fund of the State Treasury. The legislature may provide additional appropriations.
ALASKA CONSTITUTIONAL CONVENTION

Commentary on the Article of Initiative, Referendum

and Recall

(Sec. 1 Initiative)

The initiative is the power of the people to initiate laws themselves and provide for a referendum on such laws without action by the legislature. This section reserves the authority of the people to initiate laws by petition and vote of the people directly.

(Sec. 2 Referendum)

This section permits the people to require that laws passed by the Legislature be referred to a vote of the people before taking effect. This power is known as the Referendum.

(Sec. 3 Procedure)

Many constitutions, in the states which make provision for the use of the initiative and referendum, contain a great degree of detail relating to the exercise of the initiative and referendum. This section permits the legislature to provide by law for some details, but provides that the legislature may not restrict the substantive rights guaranteed in Section 4, nor to require procedures more difficult than provided in Section 4.

(Sec. 4 Petition, Ballot title; election; vote required)

This section sets forth certain substantive provisions and minimum procedures affecting the exercise of the initiative
and referendum. To prevent waste of money on elections for laws that are unconstitutional, sponsors are required to submit a proposed law to the Attorney General for certification of its constitutionality, subject to court review, prior to the circulation of petitions. The provision is intended to stop, at the initial stage, the circulation of petitions for laws that would, even if approved by the voters, result in expensive court action.

If the legislature adopts a measure that is the subject of the initiative, the measure does not have to be submitted to the people.

Additional details of procedure may be provided by the legislature subject to the limits imposed by this section. The procedure outlined has the advantage of brevity while ensuring the substantive rights to the people.

(Sec. 5 Restrictions)

The exercise of the initiative is a fundamental right of the people, but special interest groups should not be permitted to unduly hamper the operation of government. The restrictions in Section 5 will prevent the abuses and problems that have sometimes arisen in the states permitting initiative and referendum. Neither the initiative nor referendum can be used with regard to emergency legislation, appropriations, or measures earmarking taxes and other revenues, or for special or local laws that are of interest to only one group of people or people in only one portion of the state.
The right of the people to remove elected officials is preserved. The Legislature is directed to provide the methods to be used.
(Sec. 1 Methods)

This section outlines three methods by which the constitution may be amended or revised. (1) By action of two separate legislatures directly; (2) by action of one legislature and referral to the people; and (3) by constitutional convention.

(Sec. 2 Proposals by Legislature)

The Legislature, by a two-thirds vote, may submit a proposed amendment to a vote at a general election. Use of general election is intended to insure a substantial vote on the question.

An alternate method is provided which permits the legislature, by a two-thirds vote, to submit a proposed amendment to the next legislature, but not to a succeeding session of the same legislature. If the second legislature adopts the amendment by a two-thirds vote it becomes part of the constitution without referring it to a vote of the people.

(Sec. 3 Constitutional Convention)

The legislature is empowered to call a convention, but if the legislature does not provide for a convention each ten years, the question is submitted to the people at the following general election.

The legislature is authorized to prescribe the procedures and powers of a convention; but if it does not make such provisions, the law calling this convention will be followed insofar as practicable.
CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 3

Introduced by Committee on Direct Legislation

INITIATIVE, REFERENDUM AND RECALL.

AMENDMENT AND REVISION

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

ARTICLE ON DIRECT LEGISLATION

Initiative 1  Section 1. The people reserve the power by petition to propose laws and to enact or reject such laws at the polls.

Referendum 4  Section 2. The people reserve the power to require, by petition, that laws enacted by the legislature be submitted to the voters for approval or rejection.

Procedure 8  Section 3. The legislature shall prescribe the procedures to be followed in the exercise of the powers of initiative and referendum.

Petitions, ballot title, election, vote required 11  Section 4. Prior to general circulation, an initiative petition containing a draft of the proposed law in bill form shall be signed by 100 qualified electors as sponsors and have its sufficiency as to form certified by the attorney general. The same procedure so far as applicable, shall apply to referendum petitions. Denial of certification shall
be reviewable by the court. If certified to be sufficient the initiative or referendum petition containing a summary of the subject matter prepared by the attorney general may then be circulated and must be signed by qualified electors equal to 10% of the number of votes cast for governor in the preceding general election at which the governor was chosen. The petition shall contain signatures of qualified electors resident in at least two-thirds of the election Districts of the State. The petition may be filed with the attorney general who shall prepare a ballot title or proposition designating and summarizing the substance of the proposed law which proposition shall go upon the ballot as hereinafter provided. Initiative petitions may be filed at any time. Referendum petitions shall be filed within 90 days after adjournment of the legislative session at which the measure was passed. Laws proposed by the initiative shall be submitted to the voters by ballot title at the first statewide election which occurs more than one hundred twenty (120) days after adjournment of the legislative session following the filing of the initiative petition, unless the legislature at said session shall have enacted substantially the same measure. Questions on referendum shall also be submitted to the voters by ballot title
at the first statewide election occurring more than one
hundred twenty (120) days after adjournment of the leg-
islature which passed the law being referred. A major-
ity of the votes cast is necessary for the adoption of
an initiated law, or the defeat of a measure referred.
No law passed by the initiative may be vetoed by the
Governor.

Restrictions
Section 5. The initiative or referendum may not
be used as a means of earmarking revenues, for making
or defeating appropriations of public funds, or for
local or special legislation. The referendum shall not
be applicable to such laws as are necessary for the
immediate preservation of the public peace, health and
safety.

Recall
Section 6. Every elected public official in the
State, except judicial officers, is subject to recall
by the voters of the State or subdivision from which
elected. Grounds for recall are malfeasance, misfeas-
ance, nonfeasance, or conviction of a crime involving
moral turpitude. The legislature shall prescribe the
recall procedures.
CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 3

Introduced by Committee on Direct Legislation

INITIATIVE, REFERENDUM AND RECALL
AMENDMENT AND REVISION

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

ARTICLE ON DIRECT LEGISLATION

Initiative 1. The people reserve the power by petition to propose laws and to enact or reject such laws at the polls.

Referendum 2. The people reserve the power to require, by petition, that laws enacted by the legislature be submitted to the voters for approval or rejection.

Procedure 3. The legislature shall prescribe the procedures to be followed in the exercise of the powers of initiative and referendum, except as herein provided.

Petitions, 4. Prior to general circulation, an initiative petition containing a draft of the proposed law in bill form shall be signed by 100 qualified electors as sponsors and have its sufficiency as to form certified by the attorney general. The same procedure, so far as applicable, shall apply to referendum petitions. Denial of certification

Committee Proposal No. 3 First Enrolled
shall be reviewable by the court. If certified to be sufficient the initiative or referendum petition containing a summary of the subject matter prepared by the attorney general may then be circulated and must be signed by qualified electors equal to 10% of the number of voters who voted in preceding general election. The petition shall contain signatures of qualified electors resident in at least two-thirds of the election districts of the State. The petition may be filed with the attorney general who shall prepare a ballot title or proposition designating and summarizing the substance of the proposed law which proposition shall go upon the ballot as hereinafter provided. Initiative petitions may be filed at any time. Referendum petitions shall be filed within 90 days after adjournment of the legislative session at which the measure was passed. Laws proposed by the initiative shall be submitted to the voters by ballot title at the first statewide election which occurs more than one hundred twenty (120) days after adjournment of the legislative session following the filing of the initiative petition, unless the legislature at said session shall have enacted substantially the same measure. Questions on referendum shall also be submitted to the voters by ballot title at the first statewide election occurring more than one hundred twenty (120) days after adjournment of the legislature which passed the law
being referred. A majority of the votes cast is necessary for the adoption of an initiated law, or the defeat of a measure referred. No law passed by the initiative may be vetoed by the Governor nor may it be repealed by the legislature for a period of two years, but may be amended at any time.

Section 5. The initiative and referendum may not be used as a means of earmarking revenues, for making or defeating appropriations of public funds, or for local or special legislation. The referendum shall not be applicable to such laws as are necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the State government and for the maintenance of public institutions.

Section 6. Every elected public official in the State, except judicial officers, is subject to recall by the voters of the State or subdivision from which elected. The legislature shall prescribe the recall procedures and grounds for recall.
ARTICLE ON REVISION AND AMENDMENT

Methods

1. Section 1. Revisions of or amendments to this Constitution may be adopted by the Legislature or by constitutional convention as hereinafter authorized subject to ratification by the people.

Proposals by Legislature

5. Section 2. Any legislature may by a two-thirds vote of each house propose amendments to the Constitution. Proposed amendments shall be submitted by ballot title prepared by the Attorney General to the voters at the next general election. If a majority of the votes tallied on the question favor the ratification of the amendment, the amendment is ratified.

Constitutional Convention

12. Section 3. The legislature may provide for Constitutional Conventions. If any ten-year period elapses during which the legislature has not called a convention, the Governor shall certify the question, "Shall there be a Constitutional Convention?" The question shall be submitted at the first general election following the expiration of such period. If a majority of the ballots cast upon the question are in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature provides for the election of delegates at a special election.

Unless the legislature provides otherwise, the law providing for the Alaska Constitutional Convention of 1955 shall be followed insofar as possible relating to number
of members, districts, convention powers, election and certification of delegates, submission and ratification of revisions and ordinances, and other applicable provisions. The appropriation provisions of the law shall be self-executing and shall constitute a first claim on the general fund of the State Treasury. The legislature may provide additional appropriations.
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 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

<table>
<thead>
<tr>
<th>Initiative and Referendum</th>
<th>1</th>
<th>Section 1. The people may propose and enact laws by the initiative and approve or reject acts of the legislature by the referendum.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application</td>
<td>2</td>
<td>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 one hundred qualified voters as sponsors and be filed with the secretary of state.</td>
</tr>
<tr>
<td>Petition</td>
<td>3</td>
<td>If he finds it in proper form he shall so certify.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>Denial of certification is subject to judicial review.</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>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.</td>
</tr>
</tbody>
</table>
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 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.

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 Revision and Amendment 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
CONSTITUTIONAL CONVENTION OF ALASKA

RESOLVED, that the following be agreed upon

as part of the Alaska State Constitution:

ARTICLE XIII

AMENDMENT AND REVISION

1. Amendments to this constitution may be approved by a two-thirds vote of each house of the legislature. The secretary of state shall prepare a ballot title and proposition summarizing each proposed amendment and shall place them on the ballot for the next general election. If a majority of the votes cast on the proposition favor the amendment, it is adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the secretary of state.

2. The legislature may provide for constitutional conventions.

3. If during any ten year period a constitutional convention has not been held, the
secretary of state shall place on the ballot for
the next general election the question: "Shall
there be a constitutional convention?" If a maj­
ority of the votes cast on the question are in the
affirmative, delegates to the convention shall be
chosen at the next regular statewide election unless
the legislature provides for the election of the
delegates at a special election. The secretary of
state shall issue the call for the convention.
Unless other provisions have been made by law, the
call shall conform as nearly as possible to the act
calling the Alaska Constitutional Convention of
1955 including, but not limited to, number of mem­
ers, districts, election and certification of
delegates, and submission and ratification of re­
visions and ordinances. The appropriation provi­
sions of the call shall be self-executing and shall
constitute a first claim on the state treasury.

Section 4. Constitutional conventions shall
have plenary power to amend or revise the consti­
tution, subject only to ratification by the people.
No call for a constitutional convention shall limit
these powers of the convention.