ALASKA CONSTITUTIONAL CONVENTION

REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

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

ARTICLE XIII
AMENDMENT AND REVISION

Section 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.

Section 2. The legislature may provide for constitutional conventions.

Section 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 majority 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 members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions 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 constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention.
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, except as herein provided.

Petitions, 10 Section 4. Prior to general circulation, an initia-
11 tive petition containing a draft of the proposed law in bill
12 form shall be signed by 100 qualified electors as sponsors
13 and have its sufficiency as to form certified by the attor-
14 ney general. The same procedure, so far as applicable,
15 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.

Restrictions

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.

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. The legislature shall prescribe the recall procedures and grounds for recall.
ARTICLE ON REVISION AND AMENDMENT

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.

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.

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 pro-
visions. 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

REPORT OF THE COMMITTEE ON
DIRECT LEGISLATION, AMENDMENT AND REVISION

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
Irvin 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-
14 ballot title, as sponsors and have the constitutionality certified by
15 election, by the courts. A valid initiative or referendum petition
16 vote required 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 General, who shall prepare a ballot title, and the adequacy of the ballot title shall be reviewable by the courts. 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 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 measure. 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.

Restrictions

Section 5. Neither the initiative nor referendum may be used as a means of earmarking revenues, for making or defeating appropriations 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

Methods

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.

Proposals by Legislature

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.

Constitutional Convention

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.
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.
(Sec. 6 Recall)

The right of the people to remove elected officials is preserved. The Legislature is directed to provide the methods to be used.
Commentary on the Article on Amendment and Revision

(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.