

FOLDER NO.

420.11

Constitutional Convention
Committee Proposal/3/Enrolled
Style and Drafting
January 23, 1956

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 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

adopted

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

REPORT OF COMMITTEE ON STYLE AND DRAFTING

Constitutional Convention
Committee Proposal/3
Enrolled/Style and Drafting
January 23, 1956

CONSTITUTIONAL CONVENTION OF ALASKA

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

ARTICLE XI

INITIATIVE, REFERENDUM AND RECALL

Initiative
and
Referendum

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

Application

4 Section 2. An initiative or referendum is proposed
5 by an application containing the bill to be initiated
6 or the act to be referred. The application shall be
7 signed by not less than one hundred qualified voters
8 as sponsors and be filed with the secretary of state.
9 If he finds it in proper form he shall so certify.
10 Denial of certification is subject to judicial review.

Petition

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

Initiative
Election

1 Section 4. An initiative petition may be filed at
2 any time. The secretary of state shall prepare a ^{ballot title and proposition summarizing} [title.
3 and summary of] the proposed law and shall place them on
4 the ballot for the first statewide election held more
5 than one hundred twenty days after adjournment of the
6 legislative session following the filing. If before the
7 election substantially the same measure has been enacted,
8 the petition is void.

Referendum
Election

9 Section 5. A referendum petition may be filed only
10 within ninety days after adjournment of the legislative
11 session at which the act was passed. The secretary of
12 state shall prepare a ^{ballot title and proposition summarizing} [title and summary] of the act and
13 shall place them on the ballot for the first statewide
14 election held more than one hundred ^{eighty} [twenty] days after
15 adjournment of that session.

Enactment

16 Section 6. A majority of the votes cast on the pro-
17 position is necessary for the enactment of an initiated
18 law or for the ^{approval or rejection} [defeat] of an act referred. The secretary
19 of state shall certify the election returns. An initi-
20 ated law is effective ninety days after certification,
21 is not subject to veto, and may not be repealed by the
22 legislature within two years of its effective date. It
23 may be amended at any time. An act rejected by referen-
24 dum is void thirty days after certification. Additional
25 procedures for the initiative and referendum may be
26 prescribed by law.

define the jurisdiction or prescribe the rules thereof

Restrictions

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

Recall

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

Amendment No. _____

Constitutional Convention

By R. E. Robertson

Date January 24 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 3

MR. PRESIDENT:

I move that (Committee) Proposal No. 3 be amended

as follows:

Page 3, Section 7, line 2, present, after the
comma following the word appropriations,
insert:

"Create courts, — define the
jurisdiction or prescribe the rules thereof,"
R. E. Robertson

accepted
roll call

Amendment No. _____

Constitutional Convention

Committee on

By Style and Drafting

Date January 24, 1956

AMENDMENT TO (COMMITTEE) PROPOSAL NO. 3 (ARTICLE XI)

MR. PRESIDENT:

I move that (Committee) Proposal No. 3 (XI) be amended

as follows:

Page 2, lines 2 and 3, strike "title and summary of" and insert in lieu thereof "ballot title and proposition summarizing".

Section 5, line 12, strike "title and summary" and insert "ballot title and proposition summarizing".

Page 2, line 18, after the word "the" strike the word "defeat" and insert in lieu thereof the words "approval or rejection".

Section 5: line 14, change "twenty" to "eighty".

Section 7, line 2, after the word "appropriations," insert the words "create courts, define the jurisdiction or prescribe the rules thereof,".

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2 any time. The secretary of state shall prepare a title
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4 the ballot for the first statewide election held more
5 than one hundred twenty days after adjournment of the
6 legislative session following the filing. If before the
7 election substantially the same measure has been enacted,
8 the petition is void.

Referendum
Election

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

Enactment

16 Section 6. A majority of the votes cast on the pro-
17 position is necessary for the enactment of an initiated
18 law or for the defeat of an act referred. The secretary
19 of state shall certify the election returns. An initi-
20 ated law is effective ninety days after certification,
21 is not subject to veto, and may not be repealed by the
22 legislature within two years of its effective date. It
23 may be amended at any time. An act rejected by referen-
24 dum is void thirty days after certification. Additional
25 procedures for the initiative and referendum may be
26 prescribed by law.

Restrictions

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

Recall

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