

Sec. 15.45.090. Preparation of petition.

(a) If the application is certified, the lieutenant governor shall prepare a sufficient number of sequentially numbered petitions to allow full circulation throughout the state.

Each petition must contain

- (1) a copy of the proposed bill;
- (2) an impartial summary of the subject matter of the bill;
- (3) a statement of minimum costs to the state associated with certification of the initiative application and review of the initiative petition, excluding legal costs to the state and the costs to the state of any challenge to the validity of the petition;
- (4) an estimate of the cost to the state of implementing the proposed law;
- (5) the statement of warning prescribed in AS 15.45.100;
- (6) sufficient space for the printed name, a numerical identifier, the signature, the date of signature, and the address of each person signing the petition; and
- (7) other specifications prescribed by the lieutenant governor to ensure proper handling and control.

(b) Upon request of the initiative committee, the lieutenant governor shall report to the committee the number of persons who voted in the preceding general election.

History -

(Sec. 9.09 ch 83 SLA 1960; am Sec. 1 ch 80 SLA 1998; am Sec. 33 ch 2 FSSLA 2005; am Sec. 11 ch 73 SLA 2010)

Amendment Notes -

The 2005 amendment, effective September 22, 2005, rewrote this section.

The 2010 amendment, effective September 9, 2010, in (a)(1), deleted "if the number of words included in both the formal and substantive provisions of the bill is 500 or less" following "a copy of the proposed bill".

Editors Notes -

Under Sec. 16, ch. 73, SLA 2010, the 2010 amendment of the provisions of (a) of this section apply "to an initiative, the application for which is filed with the lieutenant governor under AS 15.45.020 on or after September 9, 2010."

Decisions -

Sufficiency of summary. - In preparing summary of subject matter of proposed bill, the lieutenant governor is entitled to rely on the premise that readers of the summary understand that in the absence of explicit language to the contrary, state initiatives are intended to change state law and bind the state government, not federal law and the federal government, thus he need not give "special" reminders to the voters regarding the scope of a state initiative. *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Remedy for defective petition. - Although the lieutenant governor prepared a defective summary for the Parental Involvement Initiative, a corrected summary could be placed on the ballot without requiring the sponsors to recirculate the petition because petition-signer inadvertence was unlikely or minimal, despite the omission of punishment as a felony for physicians in violation. *Planned Parenthood of Alaska v. Campbell*, 232 P.3d 725 (Alaska 2010).

Sufficiency of cost statement. - Cost statement provided an accurate estimate of the likely insignificant costs associated with implementation of the initiative and was not defective. *Pebble L.P. v. Parnell*, 215 P.3d 1064 (Alaska 2009).

Summary's prediction as to proposed bill's effect was amply supported by text of bill, consequently the summary's use of the language "would prevent" was neither misleading nor inaccurate. *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Challenger did not meet its burden of showing the inadequacy of the summary prepared by the lieutenant governor for the proposed initiative; the summary provided an accurate depiction of the scope and substance of the initiative, and the superior court correctly concluded that it was a fair, true, neutral,

and impartial explanation of the main features of the initiative's contents. *Pebble L.P. v. Parnell*, 215 P.3d 1064 (Alaska 2009).

Sec. 15.45.100. Statement of warning.

Each petition shall include a statement of warning that a person who signs a name other than the person's own on the petition, or who knowingly signs more than once for the same proposition at one election, or who signs the petition when knowingly not a qualified voter, is guilty of a class B misdemeanor.

History -

(Sec. 9.10 ch 83 SLA 1960; am Sec. 173 ch 100 SLA 1980)