



ANCSA REGIONAL ASSOCIATION

Bringing Together Regional Corporation Presidents and CEOs

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April 30, 2019

The Honorable Chris Birch
State Senate
Alaska State Capitol
Juneau, AK 99801

Via Email: Sen.Chris.Birch@akleg.gov

Dear Senator Birch,

On behalf of the ANCSA Regional Association (ARA) I submit this letter in support of Senate Bill 80 *An Act relating to proposing and enacting laws by initiative* (SB 80).

ARA represents the Presidents and CEOs of the twelve land-based Alaska Native regional corporations created pursuant to the Alaska Native Claims Settlement Act of 1971 (ANCSA). Through our members we represent nearly 129,800 Alaska Native shareholders. ARA's mission is to collaborate to create a sustainable socioeconomic future for Alaska Native people.

In 2018 Ballot Measure One, "*An act providing for the protection of wild salmon and fish and wildlife habitat*," was placed on the November general election ballot after going through the initiative petition process in 2017. Prior to the initiative being placed on the ballot a series of legal disputes occurred.

In September 2017, then Lieutenant Governor Byron Mallott rejected the initiative petition based on the Alaska Department of Law's determination that it was unconstitutional. In October of 2017, Superior Court Judge Mark Rindner overturned Lieutenant Governor Mallott's rejection of the initiative petition and directed the Lieutenant Governor to put the initiative on the November 2018 general election ballot. Lieutenant Governor Mallott and the State of Alaska challenged Judge Rindner's decision and the case was taken up by the Supreme Court of the State of Alaska. On August 8, 2018 the Alaska Supreme Court ruled that portions of the initiative petition were indeed unconstitutional. The Alaska Supreme Court remanded the case back to Judge Rindner to direct Lieutenant Governor Mallott and the Alaska Division of Elections to remove the provisions of the initiative petition the Alaska Supreme Court ruled unconstitutional, and to include the amended initiative petition language on the ballot. The ruling effectively allowed for different language to appear on the general election ballot than the language that was initially presented to the public for signature gathering at the beginning of the initiative petition process.

Paramount to all Alaskans must be ensuring that the integrity of the ballot initiative process is protected, as it gives Alaskans the right to directly participate in the legislative process by either passing law or overturning law. This right for Alaskan citizens is enshrined in the Alaska constitution.

ARA is concerned that the Alaska Supreme Court's August 2018 ruling has created a loophole that allows for initiative petition authors to use the Alaska court system to edit their initiative language for constitutionality, instead of requiring authors to more carefully vet their language prior to submitting it for review at the beginning on the initiative process. This causes great concern to ARA as it allows for initiative petition language that appears on the ballot to be different than the initiative petition language signers originally agreed to.

SB 80 will close the loophole created by the Alaska Supreme Court's ruling, and help ensure integrity in the ballot initiative process by allowing voters casting their ballots during an election to know that the language on the ballot is exactly the same as what was presented for signature gathering earlier in the initiative petition process.

If you have any questions, please do not hesitate to contact me at kim@ancregional.com or 907-375-4242.

Sincerely,
ANCSA REGIONAL ASSOCIATION

A handwritten signature in black ink that reads "Kim Reitmeier". The signature is written in a cursive, flowing style.

Kim Reitmeier
Executive Director