

# Legislative Testimony

## Senate Bill 23

*April 13, 2021*



Chairman Shower, Vice Chair Reinbold & Members of the Senate State Affairs Committee, Alaska is fortunate to have a constitutionally-enshrined ballot initiative process. Not all states trust their citizens to participate directly in the legislative process and while there are certainly pros and cons, most Alaskans would agree that this is a valuable right. In order for the ballot initiative process to continue to have value for future generations of Alaskans, it is imperative that the integrity of the process is ensured.

Currently there is a loophole, created by past state supreme court decisions, which allows our courts to tamper with initiative language. While the intention may be good (i.e., to remove unconstitutional provisions), the end result can be that the words which voters see on their ballots may in fact be different than the language which was displayed to them and other voters who earlier signed the petition booklets. Alaska experienced this precise scenario in 2018.

It is truly an injustice to Alaskan voters when the very words they approve for the ballot are changed by unelected judges.

A further effect of this loophole is that the legislature (you yourselves) can be stripped of its role to act as a counterbalance in the ballot initiative process. Our constitution ensures that the legislature has the right to enact legislation substantially the same as proposed initiatives (thus removing those initiatives from the ballot). When initiative language is stricken or changed by the court, the legislature effectively loses its ability to provide oversight on the process.

As it stands now, initiatives can be presented to voters in the ballot box with language that is different than that which they supported with their signatures, and different than the version reviewed by the legislature.

It would be good policy for this technicality to be addressed, and I urge the committee to consider how Senate Bill 23 would rectify this situation.

Thank you,

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