

HOUSE BILL NO. 413

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE ELTON

Introduced: 2/16/98

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosure of compensation paid to sponsors of initiative
2 petitions; placing limitations on the compensation that may be paid to sponsors
3 of initiative petitions; and prohibiting payments to persons who sign or refrain
4 from signing initiative petitions."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** LEGISLATIVE INTENT; FINDINGS. It is the intent of the legislature to
7 promote interest in public participation on a broad basis in the initiative petition process.
8 Citizens with a personal interest in a specific issue should be encouraged to become involved
9 in the petition process. Toward that end and to ensure the initiative petition process is
10 promoted on behalf of persons with an active, personal interest in the issues for which they
11 solicit support, the legislature finds it is in the public interest to limit payment made to
12 persons gathering signatures and to require full public disclosure of such payment.

13 * **Sec. 2.** AS 15.45.090 is amended to read:

14 **Sec. 15.45.090. Preparation of petition.** If the application is certified, the

1 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a
 2 copy of the proposed bill [,] if the number of words included in both the formal and
 3 substantive provisions of the bill is 500 or less, (2) an impartial summary of the
 4 subject matter of the bill, (3) the warnings [WARNING] prescribed in AS 15.45.100,
 5 (4) sufficient space for signature and address, and (5) other specifications prescribed
 6 by the lieutenant governor to assure proper handling and control. Petitions, for
 7 purposes of circulation, shall be prepared by the lieutenant governor in a number
 8 reasonably calculated to allow full circulation throughout the state. The lieutenant
 9 governor shall number each petition and shall keep a record of the petition delivered
 10 to each sponsor. On [UPON] request of the committee, the lieutenant governor shall
 11 report the number of persons who voted in the preceding general election.

12 * **Sec. 3.** AS 15.45.100 is amended to read:

13 **Sec. 15.45.100. Statement of warning.** Each petition shall include a statement
 14 of warning that a person who signs a name other than the person's own on the petition,
 15 or who knowingly signs more than once for the same proposition at one election, or
 16 who signs the petition when knowingly not a qualified voter, is guilty of a class B
 17 misdemeanor. Each petition shall contain, in 12 point capitalized bold type at or
 18 near the top of each page, the following language:

19 THIS PETITION MAY BE CIRCULATED BY A
 20 PAID SIGNATURE GATHERER OR A VOLUNTEER.
 21 YOU HAVE THE RIGHT TO ASK, AND THE
 22 GATHERER MUST DISCLOSE TO YOU, HOW MUCH
 23 AND BY WHOM THE GATHERER IS PAID.

24 * **Sec. 4.** AS 15.45.110 is amended by adding new subsections to read:

25 (b) On request, a sponsor shall disclose the amount the sponsor is paid by
 26 another for gathering signatures and by whom the sponsor is paid.

27 (c) A sponsor may not receive payment or agree to receive payment, and a
 28 person or an organization may not pay or agree to pay, for the collection of signatures
 29 on a petition if any part of the payment is based on the number of signatures collected
 30 and the total payment exceeds \$.10 for each signature. This subsection does not
 31 prohibit a sponsor from being paid an amount that is

- 1 (1) not based on the number of signatures collected; or
 2 (2) based on the number of signatures collected by that sponsor and
 3 that results in a total payment to that sponsor of less than or equal to \$.10 for each
 4 signature collected.

5 (d) A person or organization may not knowingly pay, offer to pay, or cause
 6 to be paid money or other valuable thing to a person to sign or refrain from signing
 7 a petition.

8 (e) A person or organization that violates (b) - (d) of this section is guilty of
 9 a class B misdemeanor.

10 (f) In this section,

11 (1) "organization" has the meaning given in AS 11.81.900;

12 (2) "other valuable thing" has the meaning given in AS 15.56.030(d);

13 (3) "person" has the meaning given in AS 11.81.900.

14 * **Sec. 5.** AS 15.45.130 is amended to read:

15 **Sec. 15.45.130. Certification of sponsor.** Before being filed, each petition
 16 shall be certified by an affidavit by the sponsor who personally circulated the petition.
 17 The affidavit shall state in substance that (1) the person signing the affidavit is a
 18 sponsor, (2) the person is the only circulator of that petition, (3) the signatures were
 19 made in the sponsor's actual presence, [AND] (4) to the best of the sponsor's
 20 knowledge, the signatures are those of the persons whose names they purport to be,
 21 **(5) the person has not entered into an agreement with a person or organization**
 22 **in violation of AS 15.45.110(c), and (6) the person has not violated AS 15.45.110(d)**
 23 **with respect to that petition.** In determining the sufficiency of the petition, the
 24 lieutenant governor may not count subscriptions on petitions not properly certified.

25 * **Sec. 6.** AS 15.56.090(a) is amended to read:

26 (a) A person commits the crime of improper subscription to petition if the
 27 person

28 (1) signs a name other than the person's own to a petition proposing an
 29 initiative, referendum, recall, or nomination of a candidate for state or local office;

30 (2) knowingly signs more than once for the same proposition, question,
 31 or candidate at one election; [OR]

1 (3) signs a petition proposing an initiative, referendum, recall, or
2 nomination of a candidate for state or local office, while knowingly not being a
3 qualified voter; or

4 (4) solicits, accepts, or agrees to accept money or other valuable
5 thing with the intent to sign or refrain from signing a petition proposing an
6 initiative; in this paragraph, "other valuable thing" has the meaning given in
7 AS 15.56.030(d).

8 * **Sec. 7. APPLICABILITY.** (a) AS 15.45.090 and 15.45.100, as amended by secs. 2 and
9 3 of this Act, apply only to petitions that arise from an initiative application that is certified
10 under AS 15.45.070 on or after the effective date of this Act.

11 (b) AS 15.45.110(b), as enacted by sec. 4 of this Act, applies only to sponsors of
12 petitions that arise from an initiative application that is certified under AS 15.45.070 on or
13 after the effective date of this Act.

14 (c) AS 15.45.110(c) - (f), as enacted by sec. 4 of this Act, apply only to agreements
15 entered into, payments under agreements entered into, and offers made on or after the effective
16 date of this Act.

17 (d) AS 15.45.130, as amended by sec. 5 of this Act, applies only to affidavits required
18 for filing of a petition that is certified under AS 15.45.070 on or after the effective date of this
19 Act.

20 (e) AS 15.56.090(a), as amended by sec. 6 of this Act, applies only to solicitations,
21 payments, or agreements made on or after the effective date of this Act.