

**SENATE BILL NO. 313**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY SENATOR SHARP

Introduced: 2/16/98

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to sponsor certification of initiative petitions; relating to sponsor  
2 identification during petition circulation; relating to the voidability of an initiated  
3 law; placing limitations on the compensation that may be paid to sponsors of  
4 initiative petitions; prohibiting payments to persons who sign or refrain from  
5 signing initiative petitions; and repealing procedures for filing a supplementary  
6 initiative petition."

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

8 \* **Section 1.** AS 15.45.110 is amended by adding new subsections to read:

9 (b) A sponsor shall display identification containing the sponsor's name when  
10 circulating a petition.

11 (c) A sponsor may not receive payment or agree to receive payment, and a  
12 person or an organization may not pay or agree to pay, for the collection of signatures  
13 on a petition if any part of the payment is based on the number of signatures collected.

1 This subsection does not prohibit a sponsor from being paid an amount that is not  
2 based on the number of signatures collected.

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

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

8 (f) In this section,

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

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

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

12 \* **Sec. 2.** AS 15.45.130 is amended to read:

13 **Sec. 15.45.130. Certification of sponsor.** Before being filed, each petition  
14 shall be certified by an affidavit by the sponsor who personally circulated the petition.  
15 The affidavit **must** [SHALL] state in substance that (1) the person signing the affidavit  
16 is a sponsor, (2) the person is the only circulator of that petition, (3) the signatures  
17 were made in the sponsor's actual presence, [AND] (4) to the best of the sponsor's  
18 knowledge, the signatures are those of the persons whose names they purport to be,  
19 **(5) the signatures are of persons who were qualified voters on the date of**  
20 **signature, (6) the person has not entered into an agreement with a person or**  
21 **organization in violation of AS 15.45.110(c), and (7) the person has not violated**  
22 **AS 15.45.110(d) with respect to that petition.** In determining the sufficiency of the  
23 petition, the lieutenant governor may not count subscriptions on petitions not properly  
24 certified.

25 \* **Sec. 3.** AS 15.45.190 is amended to read:

26 **Sec. 15.45.190. Placing proposition on ballot.** The lieutenant governor shall  
27 direct the director to place the ballot title and proposition on the election ballot of the  
28 first statewide general, special, or primary election that is held after

29 (1) the petition **has** [AND ANY SUPPLEMENTARY PETITION  
30 HAVE] been filed; [,]

31 (2) a legislative session has convened and adjourned; [,] and

1 (3) a period of 120 days has expired since the adjournment of the  
2 legislative session.

3 \* **Sec. 4.** AS 15.45.240 is amended to read:

4 **Sec. 15.45.240. Judicial review.** Any person aggrieved by a determination  
5 made by the lieutenant governor under **AS 15.45.010 - 15.45.220** [AS 15.45.010 -  
6 15.45.230] may bring an action in the superior court to have the determination  
7 reviewed within 30 days of the date on which notice of the determination was given.

8 \* **Sec. 5.** AS 15.56.090(a) is amended to read:

9 (a) A person commits the crime of improper subscription to petition if the  
10 person

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

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

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

18 **(4) solicits, accepts, or agrees to accept money or other valuable**  
19 **thing in exchange for signing or refraining from signing a petition proposing an**  
20 **initiative; in this paragraph, "other valuable thing" has the meaning given in**  
21 **AS 15.56.030(d).**

22 \* **Sec. 6.** AS 15.45.170 and 15.45.230 are repealed.

23 \* **Sec. 7. APPLICABILITY.** (a) AS 15.45.110(b), as enacted by sec. 1 of this Act, applies  
24 only to sponsors of petitions that arise from an initiative application that is certified under  
25 AS 15.45.070 on or after the effective date of this Act.

26 (b) AS 15.45.110 (c) - (f), as enacted by sec. 1 of this Act, apply only to agreements  
27 entered into, payments under agreements entered into, and offers made on or after the effective  
28 date of this Act.

29 (c) AS 15.45.130, as amended by sec. 2 of this Act, applies only to affidavits required  
30 for filing of a petition that is certified under AS 15.45.070 on or after the effective date of this  
31 Act.

1 (d) AS 15.56.090(a), as amended by sec. 5 of this Act, applies only to solicitations,  
2 acceptances, or agreements made on or after the effective date of this Act.

3 (e) The amendment to AS 15.45.190 made by sec. 3 of this Act and the repeal of  
4 AS 15.45.230 made by sec. 6 of this Act apply only to petitions that arise from an initiative  
5 application that is certified under AS 15.45.070 on or after the effective date of this Act.

6 (f) The amendment to AS 15.45.240 made by sec. 4 of this Act and the repeal of  
7 AS 15.45.170 made by sec. 6 of this Act apply only to initiatives that arise from an initiative  
8 application that is certified under AS 15.45.070 on or after the effective date of this Act.