

SENATE CS FOR CS FOR HOUSE BILL NO. 45(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/3/00

Referred: Finance

Sponsor(s): REPRESENTATIVE WILLIAMS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to initiative, referendum, and recall petitions; and providing for
2 an effective date."

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

4 * **Section 1.** AS 15.45.110(a) is amended to read:

5 (a) The petitions may be circulated throughout the state [ONLY BY A
6 SPONSOR AND] only in person.

7 * **Sec. 2.** AS 15.45.110(c) is amended to read:

8 (c) A **circulator** [SPONSOR] may not receive payment or agree to receive
9 payment that is greater than \$1 a signature, and a person or an organization may not
10 pay or agree to pay an amount that is greater than \$1 a signature, for the collection of
11 signatures on a petition.

12 * **Sec. 3.** AS 15.45.110(e) is amended to read:

13 (e) A person or organization that violates **(c) or (d)** [(b) - (d)] of this section
14 is guilty of a class B misdemeanor.

1 * **Sec. 4.** AS 15.45.130 is amended to read:

2 **Sec. 15.45.130. Certification of circulator [SPONSOR].** Before being filed,
 3 each petition shall be certified by an affidavit by the **person** [SPONSOR] who
 4 personally circulated the petition. The affidavit must state in substance that (1) the
 5 person signing the affidavit **meets the residency, age, and citizenship qualifications**
 6 **of AS 15.05.010** [IS A SPONSOR], (2) the person is the only circulator of that
 7 petition, (3) the signatures were made in the **circulator's** [SPONSOR'S] actual
 8 presence, (4) to the best of the **circulator's** [SPONSOR'S] knowledge, the signatures
 9 are those of the persons whose names they purport to be, (5) the signatures are of
 10 persons who were qualified voters on the date of signature, (6) the person has not
 11 entered into an agreement with a person or organization in violation of
 12 AS 15.45.110(c), (7) the person has not violated AS 15.45.110(d) with respect to that
 13 petition, and (8) the **circulator** [SPONSOR] prominently placed, in the space provided
 14 under AS 15.45.090(5) before circulation of the petition, in bold capital letters, the
 15 **circulator's** [SPONSOR'S] name and, if the **circulator** [SPONSOR] has received
 16 payment or agreed to receive payment for the collection of signatures on the petition,
 17 the name of each person or organization that has paid or agreed to pay the **circulator**
 18 [SPONSOR] for collection of signatures on the petition. In determining the sufficiency
 19 of the petition, the lieutenant governor may not count subscriptions on petitions not
 20 properly certified.

21 * **Sec. 5.** AS 15.45.140 is amended to read:

22 **Sec. 15.45.140. Filing of petition.** (a) The sponsors must file the initiative
 23 petition within one year from the time the sponsors received notice from the lieutenant
 24 governor that the petitions were ready for delivery to them. **The** [, AND THE]
 25 petition **may be filed with the lieutenant governor only if it meets all of the**
 26 **following requirements: it is** [MUST BE] signed by qualified voters

27 (1) equal in number to 10 percent of those who voted in the preceding
 28 general election;

29 (2) [AND] resident in at least **three-fourths** [TWO-THIRDS] of the
 30 **house** [ELECTION] districts of the state; **and**

31 (3) **who, in each of the house districts described in (2) of this**

1 subsection, are equal in number to at least four percent of those who voted in the
 2 preceding general election in the house district.

3 (b) If the petition is not filed within the one year period provided for in (a)
 4 of this section, the petition has no force or effect.

5 * Sec. 6. AS 15.45.340 is amended to read:

6 Sec. 15.45.340. Circulation [BY SPONSOR]. The petitions may be
 7 circulated throughout the state [ONLY BY A SPONSOR AND] only in person.

8 * Sec. 7. AS 15.45.360 is amended to read:

9 Sec. 15.45.360. Certification of circulator [SPONSOR]. Before being filed,
 10 each petition shall be certified by an affidavit by the sponsor who circulated the
 11 petition. The affidavit must [SHALL] state in substance that (1) the person signing
 12 the affidavit meets the residency, age, and citizenship qualifications of
 13 AS 15.05.010 [IS A SPONSOR], (2) the person is the only circulator of the petition,
 14 (3) the signatures were made in the circulator's [SPONSOR'S] actual presence, and
 15 (4) to the best of the circulator's [SPONSOR'S] knowledge, the signatures are the
 16 signatures of persons whose names they purport to be. In determining the sufficiency
 17 of the petition, the lieutenant governor may not count subscriptions on petitions not
 18 properly certified.

19 * Sec. 8. AS 15.45.370 is amended to read:

20 Sec. 15.45.370. Filing of petition. The sponsors may file the petition

21 (1) only within 90 days after the adjournment of the legislative session
 22 at which the act was passed; and

23 (2) only if it meets all of the following requirements: it is signed by
 24 qualified voters

25 (A) equal in number to 10 percent of those who voted in the
 26 preceding general election;

27 (B) [AND] resident in at least three-fourths [TWO-THIRDS]
 28 of the house [ELECTION] districts of the state; and

29 (C) who, in each of the house districts described in (B) of
 30 this paragraph, are equal in number to at least four percent of those who
 31 voted in the preceding general election in the house district.

1 * **Sec. 9.** AS 15.45.580 is amended to read:

2 **Sec. 15.45.580. Circulation [BY SPONSOR].** The petitions may be
3 circulated [ONLY BY A SPONSOR AND] only in person throughout the state or
4 senate or **house** [ELECTION] district represented by the official sought to be recalled.

5 * **Sec. 10.** AS 15.45.600 is amended to read:

6 **Sec. 15.45.600. Certification of circulator [SPONSOR].** Before being filed,
7 each petition shall be certified by an affidavit by the **circulator** [SPONSOR] who
8 personally circulated the petition. The affidavit **must** [SHALL] state in substance that
9 (1) the person signing the affidavit **meets the residency, age, and citizenship**
10 **qualifications of AS 15.05.010** [IS A SPONSOR], (2) the person is the only circulator
11 of that petition or copy, (3) the signatures were made in the **circulator's**
12 [SPONSOR'S] actual presence, and (4) to the best of the **circulator's** [SPONSOR'S]
13 knowledge, the signatures are those of the persons whose names they purport to be.
14 In determining the sufficiency of the petition, the director may not count subscriptions
15 on petitions not properly certified.

16 * **Sec. 11.** AS 15.45.110(b) is repealed.

17 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section
18 to read:

19 **CONDITIONAL EFFECT OF ACT.** Sections 5 and 8 of this Act take effect only if
20 a constitutional amendment requiring signatures from four percent of the qualified voters who
21 voted in the district in the preceding general election in each of three-fourths of the house
22 districts of the state is passed by the legislature and approved by the voters at the 2000 general
23 election.

24 * **Sec. 13.** If sections 5 and 8 of this Act take effect under sec. 12 of this Act, they take
25 effect on the effective date of the amendment described in sec. 12 of this Act.

26 * **Sec. 14.** Sections 1 - 4, 6, 7, and 9 - 12 of this Act take effect immediately under
27 AS 01.10.070(c).