

HOUSE BILL NO. 438

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE RAMRAS

Introduced: 2/8/06

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

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

4 * **Section 1.** AS 15.45.105 is amended to read:

5 **Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet, a
6 person shall be

- 7 (1) a citizen of the United States;
8 (2) 18 years of age or older; [AND]
9 (3) a resident of the state as determined under AS 15.05.020; **and**
10 **(4) not registered to vote in any other state.**

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

12 (c) A circulator may not receive payment or agree to receive payment that is
13 greater than \$1 a signature, and a person or an organization may not pay or agree to
14 pay an amount that is greater than \$1 a signature, for the collection of signatures on a

1 petition. In addition to \$1 a signature, a person or organization may pay a
 2 circulator and a circulator may receive up to \$15 to cover the cost of meals for
 3 each day that the circulator travels more than 100 miles from the circulator's
 4 home in the course of circulating the petition if the circulator certifies, on a form
 5 prescribed by the division of elections, that the circulator has traveled more than
 6 100 miles from the circulator's home on the day for which the payment is
 7 received. A person or organization may not pay a circulator and a circulator may
 8 not receive payment

9 (1) other than that specified in this subsection for circulating a
 10 petition;

11 (2) for any work other than collecting signatures, including
 12 administrative work, relating to the initiative for which the circulator is
 13 collecting signatures.

14 * **Sec. 3.** AS 15.45.110 is amended by adding new subsections to read:

15 (g) A person who pays a circulator and a circulator who receives
 16 compensation other than that permitted under (c) of this section are liable to the state
 17 for a civil fine of \$1 for each signature gathered by the circulator on a petition filed
 18 with the lieutenant governor.

19 (h) In determining the sufficiency of a petition, the lieutenant governor may
 20 not count subscriptions on a petition circulated by a circulator who violated (c) of this
 21 section.

22 * **Sec. 4.** AS 15.45 is amended by adding a new section to read:

23 **Sec. 15.45.115. Mandatory training.** (a) At least once during each two-year
 24 period between general elections, the division of elections shall offer training
 25 explaining the legal requirements for initiative petitions. Each committee applying for
 26 or circulating an initiative petition during that period shall attend the training.

27 (b) Before giving a petition to a circulator, the sponsors shall instruct the
 28 circulator on the legal requirements for initiative petitions.

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

30 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition
 31 shall be certified by an affidavit by the person who personally circulated the petition.

1 In determining the sufficiency of the petition, the lieutenant governor may not count
 2 subscriptions on petitions not properly certified at the time of filing or corrected before
 3 the subscriptions are counted. The affidavit must state in substance

4 (1) that the person signing the affidavit meets the residency, age, and
 5 citizenship qualifications for circulating a petition under AS 15.45.105;

6 (2) that the person is the only circulator of that petition;

7 (3) that the signatures were made in the circulator's actual presence;

8 (4) that, to the best of the circulator's knowledge, the signatures are the
 9 signatures of the persons whose names they purport to be;

10 (5) that, to the best of the circulator's knowledge, the signatures are of
 11 persons who were qualified voters on the date of signature;

12 (6) that the circulator has not entered into an agreement with a person
 13 or organization in violation of AS 15.45.110(c);

14 (7) that the circulator has not violated AS 15.45.110(d) with respect to
 15 that petition; [AND]

16 (8) whether the circulator has received payment or agreed to receive
 17 payment for the collection of signatures on the petition, and, if so, the name of each
 18 person or organization that has paid or agreed to pay the circulator for collection of
 19 signatures on the petition;

20 **(9) that the circulator is not registered to vote in another state; and**

21 **(10) that the circulator was instructed by the sponsors on the legal**
 22 **requirements of AS 15.45.010 - 15.45.245.**

23 * **Sec. 6.** AS 15.45 is amended by adding a new section to read:

24 **Sec. 15.45.135. Advance verification of subscriptions.** The sponsors may,
 25 before filing a petition under AS 15.45.140, submit individual numbered petitions
 26 prepared under AS 15.45.090 containing up to a total of 2,000 subscriptions to the
 27 director for review. The director shall, within 45 days, determine whether each
 28 subscription submitted for review is that of a qualified voter and notify the sponsors of
 29 the number of signatures of qualified voters from each district in the petitions
 30 submitted. The director shall assess and the sponsors shall pay a fee of \$1 for each
 31 subscription submitted under this section.

1 * **Sec. 7.** AS 15.45.335 is amended to read:

2 **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet, a
3 person shall be

4 (1) a citizen of the United States;

5 (2) 18 years of age or older; [AND]

6 (3) a resident of the state as determined under AS 15.05.020; and

7 (4) not registered to vote in any other state.

8 * **Sec. 8.** AS 15.45.340(b) is amended to read:

9 (b) A circulator may not receive payment or agree to receive payment that is
10 greater than \$1 a signature, and a person or an organization may not pay or agree to
11 pay an amount that is greater than \$1 a signature, for the collection of signatures on a
12 petition. In addition to \$1 a signature, a person or organization may pay a
13 circulator and a circulator may receive up to \$15 to cover the cost of meals for
14 each day that the circulator travels more than 100 miles from the circulator's
15 home in the course of circulating the petition if the circulator certifies, on a form
16 prescribed by the division of elections, that the circulator has traveled more than
17 100 miles from the circulator's home on the day for which the payment is
18 received. A person or organization may not pay a circulator and a circulator may
19 not receive payment

20 (1) other than that specified in this subsection for circulating a
21 petition;

22 (2) for any work other than collecting signatures, including
23 administrative work, relating to the referendum for which the circulator is
24 collecting signatures.

25 * **Sec. 9.** AS 15.45.340 is amended by adding new subsections to read:

26 (f) A person who pays a circulator and a circulator who receives compensation
27 other than that permitted under (b) of this section are liable to the state for a civil fine
28 of \$1 for each signature gathered by the circulator on a petition filed with the
29 lieutenant governor.

30 (g) In determining the sufficiency of a petition, the lieutenant governor may
31 not count subscriptions on a petition circulated by a circulator who violated (b) of this

1 section.

2 * **Sec. 10.** AS 15.45 is amended by adding a new section to read:

3 **Sec. 15.45.345. Mandatory training.** (a) At least once during each two-year
4 period between general elections, the division of elections shall offer training
5 explaining the legal requirements for referendum petitions. Each committee applying
6 for or circulating a referendum petition during that period shall attend the training.

7 (b) Before giving a petition to a circulator, the sponsors shall instruct the
8 circulator on the legal requirements for referendum petitions.

9 * **Sec. 11.** AS 15.45.360 is amended to read:

10 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition
11 shall be certified by an affidavit by the person who personally circulated the petition.
12 In determining the sufficiency of the petition, the lieutenant governor may not count
13 subscriptions on petitions not properly certified at the time of filing or corrected before
14 the subscriptions are counted. The affidavit must state in substance

15 (1) that the person signing the affidavit meets the residency, age, and
16 citizenship qualifications for circulating a petition under AS 15.45.335;

17 (2) that the person is the only circulator of that petition;

18 (3) that the signatures were made in the circulator's actual presence;

19 (4) that, to the best of the circulator's knowledge, the signatures are the
20 signatures of the persons whose names they purport to be;

21 (5) that, to the best of the circulator's knowledge, the signatures are of
22 persons who were qualified voters on the date of signature;

23 (6) that the circulator has not entered into an agreement with a person
24 or organization in violation of AS 15.45.340(b);

25 (7) that the circulator has not violated AS 15.45.340(c) with respect to
26 that petition; [AND]

27 (8) whether the circulator has received payment or agreed to receive
28 payment for the collection of signatures on the petition, and, if so, the name of each
29 person or organization that has paid or agreed to pay the circulator for collection of
30 signatures on the petition;

31 **(9) that the circulator is not registered to vote in another state; and**

1 **(10) that the circulator was instructed by the sponsors on the legal**
 2 **requirements of AS 15.45.250 - 15.45.465.**

3 * **Sec. 12.** AS 15.45 is amended by adding a new section to read:

4 **Sec. 15.45.365. Advance verification of subscriptions.** The sponsors may,
 5 before filing a petition under AS 15.45.370, submit individual numbered petitions
 6 prepared under AS 15.45.320 containing up to a total of 2,000 subscriptions to the
 7 director for review. The director shall, within 45 days, determine whether each
 8 subscription submitted for review is that of a qualified voter and notify the sponsors of
 9 the number of signatures of qualified voters from each district in the petitions
 10 submitted. The director shall assess and the sponsors shall pay a fee of \$1 for each
 11 subscription submitted under this section.

12 * **Sec. 13.** AS 15.45.490 is amended to read:

13 **Sec. 15.45.490. Time of filing application.** An application may not be filed
 14 during the first 120 days **or the last 270 days** of the term of office of any state public
 15 official subject to recall.

16 * **Sec. 14.** AS 15.45.500 is amended to read:

17 **Sec. 15.45.500. Form of application.** The application must include
 18 (1) the name and office of the person to be recalled;
 19 (2) the grounds for recall described in particular in not more than 200
 20 words;
 21 (3) the printed name, the signature, the address, and a numerical
 22 identifier of qualified voters equal in number to **20** [10] percent of those who voted in
 23 the preceding general election in the state or in the senate or house district of the
 24 official sought to be recalled, 100 of whom will serve as sponsors; each signature page
 25 must include a statement that the qualified voters signed the application with the name
 26 and office of the person to be recalled and the statement of grounds for recall attached;
 27 [AND]
 28 (4) the designation of a recall committee consisting of three of the
 29 qualified voters who subscribed to the application and shall represent all sponsors and
 30 subscribers in matters relating to the recall; the designation must include the name,
 31 mailing address, and signature of each committee member; **and**

1 **(5) a certification by each member of the recall committee, under**
 2 **penalty of perjury, that the facts alleged in the application are true to the best of**
 3 **the member's knowledge.**

4 * **Sec. 15.** AS 15.45.510 is amended by adding a new subsection to read:

5 (b) In this section,

6 (1) "corruption" means an act done by a person who is subject to recall
 7 under AS 15.45.470 with an intent to give some advantage inconsistent with official
 8 duty and the rights of others;

9 (2) "incompetence" means substantial inability to perform the duties of
 10 office;

11 (3) "lack of fitness" means the existence of a long-term physical or
 12 mental disability that seriously impairs the official's ability to perform the duties of the
 13 office;

14 (4) "neglect of duties" means failure to perform a duty of office
 15 established by law.

16 * **Sec. 16.** AS 15.45.550 is amended to read:

17 **Sec. 15.45.550. Bases of denial of certification.** The director shall deny
 18 certification upon determining that

19 (1) the application is not substantially in the required form;

20 (2) the application was filed during the first 120 days of the term of
 21 office of the official subject to recall or within less than **270** [180] days of the
 22 termination of the term of office of any official subject to recall;

23 (3) the person named in the application is not subject to recall; or

24 (4) there is an insufficient number of qualified subscribers.

25 * **Sec. 17.** AS 15.45.575 is amended to read:

26 **Sec. 15.45.575. Qualifications of circulator.** To circulate a petition booklet, a
 27 person shall be

28 (1) a citizen of the United States;

29 (2) 18 years of age or older; [AND]

30 (3) a resident of the state as determined under AS 15.05.020; **and**

31 **(4) not registered to vote in any other state.**

1 * **Sec. 18.** AS 15.45.580(b) is amended to read:

2 (b) A circulator may not receive payment or agree to receive payment that is
 3 greater than \$1 a signature, and a person or an organization may not pay or agree to
 4 pay an amount that is greater than \$1 a signature, for the collection of signatures on a
 5 petition. In addition to \$1 a signature, a person or organization may pay a
 6 circulator and a circulator may receive up to \$15 to cover the cost of meals for
 7 each day that the circulator travels more than 100 miles from the circulator's
 8 home in the course of circulating the petition if the circulator certifies, on a form
 9 prescribed by the division of elections, that the circulator has traveled more than
 10 100 miles from the circulator's home on the day for which the payment is
 11 received. A person or organization may not pay a circulator and a circulator may
 12 not receive payment

13 (1) other than that specified in this subsection for circulating a
 14 petition;

15 (2) for any work other than collecting signatures, including
 16 administrative work, relating to the recall petition for which the circulator is
 17 collecting signatures.

18 * **Sec. 19.** AS 15.45.580 is amended by adding new subsections to read:

19 (f) A person who pays a circulator and a circulator who receives compensation
 20 other than that permitted under (b) of this section are liable to the state for a civil fine
 21 of \$1 for each signature gathered by the circulator on a petition filed with the
 22 lieutenant governor.

23 (g) In determining the sufficiency of a petition, the lieutenant governor may
 24 not count subscriptions on a petition circulated by a circulator who violated (b) of this
 25 section.

26 * **Sec. 20.** AS 15.45 is amended by adding a new section to read:

27 **Sec. 15.45.585. Mandatory training.** (a) At least once during each two-year
 28 period between general elections, the division of elections shall offer training
 29 explaining the legal requirements for recall petitions. Each committee applying for or
 30 circulating a recall petition during that period shall attend the training.

31 (b) Before giving a petition to a circulator, the sponsors shall instruct the

1 circulator on the legal requirements for recall petitions.

2 * **Sec. 21.** AS 15.45.600 is amended to read:

3 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition
4 shall be certified by an affidavit by the person who personally circulated the petition.
5 In determining the sufficiency of the petition, the lieutenant governor may not count
6 subscriptions on petitions not properly certified at the time of filing or corrected before
7 the subscriptions are counted. The affidavit must state in substance

8 (1) that the person signing the affidavit meets the residency, age, and
9 citizenship qualifications for circulating a petition under AS 15.45.575;

10 (2) that the person is the only circulator of that petition;

11 (3) that the signatures were made in the circulator's actual presence;

12 (4) that, to the best of the circulator's knowledge, the signatures are the
13 signatures of the persons whose names they purport to be;

14 (5) that, to the best of the circulator's knowledge, the signatures are of
15 persons who were qualified voters on the date of signature;

16 (6) that the circulator has not entered into an agreement with a person
17 or organization in violation of AS 15.45.580(b);

18 (7) that the circulator has not violated AS 15.45.580(c) with respect to
19 that petition; [AND]

20 (8) whether the circulator has received payment or agreed to receive
21 payment for the collection of signatures on the petition, and, if so, the name of each
22 person or organization that has paid or agreed to pay the circulator for collection of
23 signatures on the petition;

24 **(9) that the circulator is not registered to vote in another state; and**

25 **(10) that the circulator was instructed by the sponsors on the legal**
26 **requirements of AS 15.45.470 - 15.45.720.**

27 * **Sec. 22.** AS 15.45 is amended by adding a new section to read:

28 **Sec. 15.45.605. Advance verification of subscriptions.** The sponsors may,
29 before filing a petition under AS 15.45.610, submit individual numbered petitions
30 prepared under AS 15.45.560 containing up to a total of 2,000 subscriptions to the
31 director for review. The director shall, within 45 days, determine whether each

1 subscription submitted for review is that of a qualified voter and notify the sponsors of
 2 the number of signatures of qualified voters from each district in the petitions
 3 submitted. The director shall assess and the sponsors shall pay a fee of \$1 for each
 4 subscription submitted under this section.

5 * **Sec. 23.** AS 15.45.610 is amended to read:

6 **Sec. 15.45.610. Filing of petition.** A petition may not be filed within less than
 7 270 [180] days of the termination of the term of office of a state public official subject
 8 to recall. The sponsor may file the petition only if signed by qualified voters equal in
 9 number to 30 [25] percent of those who voted in the preceding general election in the
 10 state or in the senate or house district of the official sought to be recalled.

11 * **Sec. 24.** AS 15.45.630 is amended to read:

12 **Sec. 15.45.630. Bases for determining the petition was improperly filed.**

13 The director shall notify the committee that the petition was improperly filed upon
 14 determining that

15 (1) there is an insufficient number of qualified subscribers; or

16 (2) the petition was filed within less than 270 [180] days of the
 17 termination of the term of office of the official subject to recall.

18 * **Sec. 25.** AS 15.45.640 is amended to read:

19 **Sec. 15.45.640. Submission of supplementary petition.** Upon receipt of
 20 notice that the filing of the petition was improper, the committee may amend and
 21 correct the petition by circulating and filing a supplementary petition. The
 22 supplementary petition must be filed not later than 270 days before [WITHIN 20
 23 DAYS OF THE DATE THAT NOTICE WAS GIVEN, IF FILED WITHIN LESS
 24 THAN 180 DAYS OF] the termination of the term of office of the person subject to
 25 recall.

26 * **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to
 27 read:

28 TRANSITION. A proposed initiative, referendum, or recall for which an application
 29 was filed with the lieutenant governor before the effective date of the Act is subject to the
 30 provisions of AS 15.45 as they existed on the day before the effective date of this Act.

31 * **Sec. 27.** This Act takes effect immediately under AS 01.10.070(c).