

Offered: 3/6/89  
Referred: State Affairs and Finance

6-0744E

Original sponsor: Adams

1 IN THE SENATE BY THE COMMUNITY AND  
2 REGIONAL AFFAIRS COMMITTEE  
3 CS FOR SENATE BILL NO. 173 (C&RA)  
4 IN THE LEGISLATURE OF THE STATE OF ALASKA  
5 SIXTEENTH LEGISLATURE - FIRST SESSION  
6 A BILL  
7 For an Act entitled: "An Act relating to municipal petitions and elec-  
8 tions, and to appointments to fill certain municipal  
9 offices."  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
11 \* Section 1. AS 04.11.502 is amended by adding a new subsection to  
12 read:  
13 (e) AS 29.26.110 - 29.26.160 applies to a petition under (a) of  
14 this section in a general law municipality except the  
15 (1) number of required signatures is determined under (a)  
16 of this section rather than under AS 29.26.130;  
17 (2) application filed under AS 29.26.110 shall contain the  
18 question or combination of questions set out under AS 04.11.490 -  
19 04.11.500 rather than an ordinance or resolution;  
20 (3) petition shall contain the question or combination of  
21 questions set out under AS 04.11.490 - 04.11.500 rather than material  
22 required under AS 29.26.120(1) and (2).  
23 \* Sec. 2. AS 29.06.200 is amended by adding a new subsection to read:  
24 (c) In a general law borough, a unification petition shall be  
25 prepared by the borough clerk upon receipt of an application meeting  
26 the requirements of AS 29.26.110, except that instead of the ordinance  
27 or resolution the application shall contain the question under AS 29.-  
28 06.210(a). The petition shall be prepared in accordance with AS 29.-  
29 26.120, except material required under (a)(1) and (2) of that section  
shall be replaced with the question under AS 29.06.210(a). The

1 signature requirements of AS 29.26.130(a), (c), and (d) apply to a  
2 unification petition. The completed petition shall be submitted to  
3 the clerk who shall deliver it to the assembly with a report of the  
4 number of valid signatures determined by the clerk to be on the peti-  
5 tion.

6 \* Sec. 3. AS 29.10.010(e) is amended to read:

7 (e) A proposed charter for an existing municipality is prepared  
8 by a charter commission of seven elected members. A charter commission  
9 election is called by filing a petition with the governing body or by  
10 resolution of the governing body. The petition shall be signed by a  
11 number of voters equal to 15 percent of the votes cast in the last  
12 regular election in the municipality. The petition shall be prepared  
13 by the municipal clerk upon receipt of an application meeting the  
14 requirements of AS 29.26.110 except that instead of the ordinance or  
15 resolution the application shall request a charter commission elec-  
16 tion. The petition shall be prepared in accordance with AS 29.26.120,  
17 except material required under AS 29.26.120(a)(1) and (2) shall be  
18 replaced with the question of whether a charter commission shall be  
19 formed. The signature requirements of AS 29.26.130(a), (c), and (d)  
20 apply to the petition. The completed petition shall be submitted to  
21 the clerk who shall deliver it to the governing body with a report of  
22 a number of valid signatures determined by the clerk to be on the  
23 petition.

24 \* Sec. 4. AS 29.20.460 is repealed and reenacted to read:

25 Sec. 29.20.460. MANAGER PLAN. (a) A municipality may adopt a  
26 manager plan of government. Adoption of a manager plan may be initi-  
27 ated either by petition or by motion of the governing body.

28 (b) A petition for the adoption of a manager plan shall meet the  
29 requirements of AS 29.26.110 - 29.26.160 except, instead of an

1 ordinance or resolution, the application submitted under AS 29.26.-  
2 110(a) must contain the question of whether a manager plan for the  
3 municipality should be adopted and material required under AS 29.26.-  
4 120(a)(1) and (2) shall be replaced with the same question.

5 (c) If the clerk certifies under AS 29.26.140 that a petition is  
6 sufficient, the petition shall be submitted to the governing body.

7 \* Sec. 5. AS 29.20.470 is amended to read:

8 Sec. 29.20.470. ELECTION ON ADOPTION OF MANAGER PLAN. On  
9 receipt of a sufficient petition to submit to the voters the question  
10 whether to adopt a manager plan or on its own motion to adopt a man-  
11 ager plan, the governing body shall provide by ordinance or resolution  
12 for a vote on the question at the next election.

13 \* Sec. 6. AS 29.20.520 is amended to read:

14 Sec. 29.20.520. REPEAL OF MANAGER PLAN. A municipality may  
15 repeal a manager plan by following the procedures under AS 29.20.460 -  
16 29.20.480 [IN THE SAME MANNER USED] for [ITS] adoption of a manager  
17 plan, except the question shall be whether the manager plan should be  
18 repealed. Within 60 days after certification of the election approv-  
19 ing repeal of a manager plan, the governing body shall enact pro-  
20 visions for the reorganization of the municipal executive and adminis-  
21 trative functions.

22 \* Sec. 7. AS 29.26.050(a) is amended to read:

23 Sec. 29.26.050. VOTER QUALIFICATION. (a) A person may vote in  
24 a municipal election only if the person

25 (1) is [A UNITED STATES CITIZEN WHO IS] qualified to vote in  
26 state elections under AS 15.05.010;

27 (2) has been a resident of the municipality for 30 days  
28 immediately preceding the election;

29 (3) is registered to vote in state elections at a residence

1 address within a municipality at least 30 days before the municipal  
2 election at which the person seeks to vote; and

3 (4) is not disqualified under art. V of the state constitu-  
4 tion.

5 \* Sec. 8. AS 29.26.050(b) is amended to read:

6 (b) Voter registration by the municipality may not be required.  
7 However, a municipality may by ordinance require that a person be  
8 registered, at least 30 days before a municipal election, to vote in  
9 state elections at the address in the municipality claimed as the  
10 residence [IN THE PRECINCT IN WHICH THAT PERSON SEEKS TO VOTE IN  
11 MUNICIPAL ELECTIONS].

12 \* Sec. 9. AS 29.26.050 is amended by adding a new subsection to read:

13 (d) A municipality may by ordinance require that a person whose  
14 registration has been cancelled under AS 15.07.130 must reregister and  
15 meet the qualifications under (a) of this section to vote in a municipi-  
16 pal election.

17 \* Sec. 10. AS 29.26.110(a) is amended to read:

18 (a) An initiative or referendum is proposed by filing an applica-  
19 tion with the municipal clerk containing the ordinance or resolution  
20 to be initiated or the ordinance or resolution to be referred and the  
21 name and address of the prime sponsor to whom [WHICH] all correspon-  
22 dence relating to the petition may be sent. An application shall be  
23 signed by a least 10 voters who will sponsor the petition. An addi-  
24 tional sponsor may be added at any time before the petition is filed  
25 by submitting the name of the sponsor to the clerk. Within two weeks  
26 the clerk shall certify the application if the clerk finds that it is  
27 in proper form and, for an initiative petition, that the matter

28 (1) is not restricted by AS 29.26.100;

29 (2) includes only a single subject;

1 (3) relates to a legislative rather than to an administra-  
2 tive matter; and

3 (4) would be enforceable as a matter of law.

4 \* Sec. 11. AS 29.26.120(c) is amended to read:

5 (c) The clerk shall notify the prime sponsor when the petition  
6 is available and the prime sponsor is responsible for notifying other  
7 sponsors. Copies of the petition shall be provided by the clerk to  
8 each sponsor who appears in the clerk's office and requests a peti-  
9 tion. The clerk shall mail the petition in a borough if a sponsor

10 (1) resides more than 15 miles from the clerk's office or  
11 resides in a place not connected by road to the clerk's office;

12 (2) has requested the petition in writing; and

13 (3) has submitted a signed statement that the sponsor  
14 intends to circulate the petition [BY THE CLERK].

15 \* Sec. 12. AS 29.26.130(b) is amended to read:

16 (b) The clerk shall determine the number of signatures required  
17 on a petition and inform the prime [EACH] sponsor. Except as provided  
18 in (e) of this section, a [A] petition shall be signed by a number of  
19 voters based on the number of votes cast at the last regular election  
20 held before the date the petition was issued equal to

21 (1) 25 percent of the votes cast if a municipality has  
22 fewer than 7,500 persons; or

23 (2) 15 percent of the votes cast if a municipality has 7,500  
24 persons or more.

25 \* Sec. 13. AS 29.26.130 is amended by adding a new subsection to read:

26 (e) If the ordinance or resolution that is the subject of an  
27 initiative or referendum petition affects only an area that is less  
28 than the entire area of a municipality, only voters residing in the  
29 affected area may sign the petition. The number of signatures

1 required is equal to 25 percent of the votes cast in the area in the  
2 last regular election in which all voters in the area had the oppor-  
3 tunity to vote. The number shall be determined by the clerk.

4 \* Sec. 14. AS 29.26.140(a) is amended to read:

5 (a) All copies of an initiative or referendum petition shall be  
6 assembled and filed as a single instrument. Within 10 days after the  
7 date the petition is filed, the municipal clerk shall

- 8 (1) certify on the petition whether it is sufficient; and  
9 (2) if the petition is insufficient, identify the insuffi-  
10 ciency and notify the prime sponsor [SPONSORS AT THE ADDRESS PROVIDED  
11 UNDER AS 29.26.110(a)] by certified mail.

12 \* Sec. 15. AS 29.26.260(a) is amended to read:

13 (a) An application for a recall petition shall be filed with the  
14 municipal clerk and shall contain

- 15 (1) the signatures and residence addresses of a least 10  
16 municipal voters who will sponsor the petition;  
17 (2) the name and address of the prime sponsor to whom  
18 [WHICH] all correspondence relating to the petition may be sent; and  
19 (3) a statement in 200 words or less of the grounds for  
20 recall stated with particularity.

21 \* Sec. 16. AS 29.26.270(b) is amended to read:

22 (b) The clerk shall notify the prime sponsor when the petition  
23 is available and the prime sponsor is responsible for notifying other  
24 sponsors. Copies of the petition shall be provided by the clerk to  
25 each sponsor who appears in the clerk's office and requests a peti-  
26 tion. The clerk shall mail the petition in a borough if a sponsor

- 27 (1) resides more than 15 miles from the clerk's office or  
28 resides in a place not connected by road to the clerk's office;  
29 (2) has requested the petition in writing; and

1                   (3) has submitted a signed statement that the sponsor  
2                   intends to circulate the petition [BY THE CLERK].

3       \* Sec. 17. AS 29.26.280(b) is amended to read:

4                   (b) The clerk shall determine the number of signatures required  
5                   on a petition and inform the prime [EACH] sponsor. If a petition  
6                   seeks to recall an official who represents the municipality at large,  
7                   the petition shall be signed by a number of voters equal to 25 percent  
8                   of the number of votes cast for that office at the last regular elec-  
9                   tion held before the date the petition was issued. If a petition  
10                   seeks to recall an official who represents a district, the petition  
11                   shall be signed by a number of the voters residing in the district  
12                   equal to 25 percent of the number of votes cast in the district for  
13                   that office at the last regular election held before the date the  
14                   petition was issued.

15       \* Sec. 18. AS 29.26.290(a) is amended to read:

16                   (a) The copies of a recall petition shall be assembled and filed  
17                   as a single instrument. A petition may not be filed within 180 days  
18                   before the end of the term of office of the official sought to be  
19                   recalled. Within 10 days after the date a petition is filed, the  
20                   municipal clerk shall

21                   (1) certify on the petition whether it is sufficient; and  
22                   (2) if the petition is insufficient, identify the insuffi-  
23                   ciency and notify the prime sponsor [SPONSORS AT THE ADDRESS PROVIDED  
24                   UNDER AS 29.26.260(a)(2)] by certified mail.

25       \* Sec. 19. AS 29.26.330 is amended to read:

26                   Sec. 29.26.330. FORM OF RECALL BALLOT. A recall ballot shall  
27                   contain

28                   (1) the grounds for recall as stated in 200 words or less on  
29                   the recall petition;

1 (2) a statement by the official named on the recall petition  
2 of 200 words or less, if the statement is filed with the clerk for  
3 publication and public inspection at least [WITHIN] 20 days before the  
4 election;

5 (3) the following question: "Shall (name of person) be  
6 recalled from the office of (office)? Yes [ ] No [ ]".

7 \* Sec. 20. AS 29.26.350(c) is amended to read:

8 (c) A person who has been recalled may not be appointed under  
9 (a) or (b) of this section to the office from which the person was  
10 recalled. A person appointed under (a) or (b) of this section serves  
11 until a successor is elected and takes office.

12 \* Sec. 21. AS 29.71.800(25) is amended to read:

13 (25) "voter" means a person who is qualified to vote under  
14 AS 29.26.050 [UNITED STATES CITIZEN WHO IS QUALIFIED TO VOTE IN STATE  
15 ELECTIONS, HAS BEEN A RESIDENT OF THE MUNICIPALITY FOR 30 DAYS IMMEDI-  
16 ATELY PRECEDING THE ELECTION, IS REGISTERED TO VOTE IN STATE ELEC-  
17 TIONS, AND IS NOT DISQUALIFIED UNDER ART. V OF THE STATE CONSTITU-  
18 TION].