

Offered: 5/6/89  
Referred: Rules

6-0744H

Original sponsor: Adams

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

1 AS 29.06.210(a). The signature requirements of AS 29.26.130(a), (c),  
2 and (d) apply to a unification petition. The completed petition shall  
3 be submitted to the clerk who shall deliver it to the assembly with a  
4 report of the number of valid signatures determined by the clerk to be  
5 on the petition.

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 containing an  
15 ordinance or resolution the application shall request a charter com-  
16 mission election. The petition shall be prepared in accordance with  
17 AS 29.26.120, except material required under AS 29.26.120(a)(1) and  
18 (2) shall be replaced with the question of whether a charter commis-  
19 sion shall be formed. The signature requirements of AS 29.26.130(a),  
20 (c), and (d) apply to the petition. The completed petition shall be  
21 submitted to the clerk who shall deliver it to the governing body with  
22 a report of a number of valid signatures determined by the clerk to be  
23 on the 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 adopted by 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 containing

1 an 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. The [ON  
9 RECEIPT OF A PETITION TO ADOPT A MANAGER PLAN OR ON ITS OWN MOTION TO  
10 ADOPT A MANAGER PLAN, THE] governing body shall provide by ordinance  
11 or resolution for a vote on the question of adopting a manager plan at  
12 the next election when it

13 (1) receives a petition to submit the question to the  
14 voters that has been certified as sufficient by the clerk; or

15 (2) adopts a motion to submit the question to the voters.

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

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

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

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

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

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

3 (3) is registered to vote in state elections at a residence  
4 address within a municipality at least 30 days before the municipal  
5 election at which the person seeks to vote; and

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

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

9 (b) Voter registration by the municipality may not be required.  
10 However, in order to vote for a candidate or on a ballot measure  
11 relating to a specific local election district or service area, a  
12 municipality may by ordinance require that a person be registered to  
13 vote in state elections at least 30 days before the municipal election  
14 at an address within the boundaries of that local election district or  
15 service area [IN THE PRECINCT IN WHICH THAT PERSON SEEKS TO VOTE IN  
16 MUNICIPAL ELECTIONS].

17 \* Sec. 9. 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 a contact person and an alternate to whom [WHICH]  
22 all correspondence relating to the petition may be sent. An applica-  
23 tion shall be signed by a least 10 voters who will sponsor the peti-  
24 tion. An additional sponsor may be added at any time before the  
25 petition is filed by submitting the name of the sponsor to the clerk.  
26 Within two weeks the clerk shall certify the application if the clerk  
27 finds that it is in proper form and, for an initiative petition, that  
28 the matter

29 (1) is not restricted by AS 29.26.100;

- 1 (2) includes only a single subject;  
2 (3) relates to a legislative rather than to an administra-  
3 tive matter; and  
4 (4) would be enforceable as a matter of law.

5 \* Sec. 10. AS 29.26.120(c) is amended to read:

6 (c) The clerk shall notify the contact person in writing when  
7 the petition is available. The contact person is responsible for  
8 notifying sponsors. Copies of the petition shall be provided by the  
9 clerk to each sponsor who appears in the clerk's office and requests a  
10 petition, and the clerk shall mail the petition to each sponsor who  
11 requests that the petition be mailed [BY THE CLERK].

12 \* Sec. 11. AS 29.26.130(b) is amended to read:

13 (b) The clerk shall determine the number of signatures required  
14 on a petition and inform the contact person in writing. Except as  
15 provided in (e) of this section, a [EACH SPONSOR. A] petition shall  
16 be signed by a number of voters based on the number of votes cast at  
17 the last regular election held before the date written notice is given  
18 to the contact person that the petition is available, [THE PETITION  
19 WAS ISSUED] equal to

20 (1) 25 percent of the votes cast if a municipality has  
21 fewer than 7,500 persons; or

22 (2) 15 percent of the votes cast if a municipality has 7,500  
23 persons or more.

24 \* Sec. 12. AS 29.26.130 is amended by adding a new subsection to read:

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

1 person in writing. The petition shall be signed by a number of voters  
2 based on the number of votes cast in that area at the last regular  
3 election held before the date written notice is given to the contact  
4 person that the petition is available equal to

5 (1) 25 percent of the votes cast if the area has fewer than  
6 7,500 persons; or

7 (2) 15 percent of the votes cast if the area has 7,500  
8 persons or more.

9 \* Sec. 13. AS 29.26.140(a) is amended to read:

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

13 (1) certify on the petition whether it is sufficient; and

14 (2) if the petition is insufficient, identify the insuffi-  
15 ciency and notify the contact person [SPONSORS AT THE ADDRESS PROVIDED  
16 UNDER AS 29.26.110(a)] by certified mail.

17 \* Sec. 14. AS 29.26.260(a) is amended to read:

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

20 (1) the signatures and residence addresses of a least 10  
21 municipal voters who will sponsor the petition;

22 (2) the name and address of the contact person and an  
23 alternate to whom [WHICH] all correspondence relating to the petition  
24 may be sent; and

25 (3) a statement in 200 words or less of the grounds for  
26 recall stated with particularity.

27 \* Sec. 15. AS 29.26.270(b) is amended to read:

28 (b) The clerk shall notify the contact person in writing when  
29 the petition is available. That person is responsible for notifying

1 sponsors. Copies of the petition shall be provided by the clerk to  
2 each sponsor who appears in the clerk's office and requests a peti-  
3 tion, and the clerk shall mail the petition to each sponsor who re-  
4 quests that the petition be mailed [BY THE CLERK].

5 \* Sec. 16. AS 29.26.280(b) is amended to read:

6 (b) The clerk shall determine the number of signatures required  
7 on a petition and inform the contact person in writing [EACH SPONSOR].  
8 If a petition seeks to recall an official who represents the munici-  
9 pality at large, the petition shall be signed by a number of voters  
10 equal to 25 percent of the number of votes cast for that office at the  
11 last regular election held before the date written notice is given to  
12 the contact person that the petition is available [THE PETITION WAS  
13 ISSUED]. If a petition seeks to recall an official who represents a  
14 district, the petition shall be signed by a number of the voters  
15 residing in the district equal to 25 percent of the number of votes  
16 cast in the district for that office at the last regular election held  
17 before the date the written notice is given to the contact person that  
18 the petition is available [WAS ISSUED].

19 \* Sec. 17. AS 29.26.290(a) is amended to read:

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

25 (1) certify on the petition whether it is sufficient; and

26 (2) if the petition is insufficient, identify the insuffi-  
27 ciency and notify the contact person [SPONSORS AT THE ADDRESS PROVIDED  
28 UNDER AS 29.26.260(a)(2)] by certified mail.

29 \* Sec. 18. AS 29.26.330 is amended to read:

1           Sec. 29.26.330.   FORM OF RECALL BALLOT. A recall ballot shall  
2 contain

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

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

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

11 \* Sec. 19. AS 29.26.350(c) is amended to read:

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

16 \* Sec. 20. AS 29.71.800(25) is amended to read:

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