

S B

173

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 12, 1989

FURTHER REFERRALS:

Date of Committee Action: 5/5/89

The JUDICIARY Committee considered:

CSSB 173 (C&RA)

CS FOR SENATE BILL NO. 173 (C&RA)

[MUNICIPAL PETITIONS/ELECTIONS/APPOINTMNTS]

"An Act relating to municipal petitions and elections, and to appointments to fill certain municipal offices."

RECOMMENDATIONS:

- be replaced with HCS CSSB 173 (JUD)  the same title
- have attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact \_\_\_\_\_
- zero fiscal note \_\_\_\_\_
- zero with analysis \_\_\_\_\_

- fiscal note(s) \_\_\_\_\_
- zero fiscal note(s) 3/29/89 Elections 3/29/89 C&RA
- zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING: (Check approp. column)

Do Not Pass No Rec Amend

Max Shumsky

Peter J. ...

John Ellis

Mike Miller

Larry ...

Mike ...

Cliff Davidson

	Do Not Pass	No Rec	Amend

Peter J. ... / Max Shumsky  
Chairman's Signature

A M E N D M E N T

OFFERED IN HOUSE JUDICIARY

TO: HCSCSSB 173 (Jud)

By: Gruenberg

Page 4, line 12, after "registered", delete ", at least 30 days before the municipal election, to vote in state elections at an address within the boundaries of the local election district or service area"

and insert "to vote in state elections at an address within the boundaries of the local election district or service area at least 30 days before the municipal election"

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

RECEIVED  
1989

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

MEMORANDUM

March 13, 1989

SUBJECT: Sectional summary of CSSB 173(C&RA)  
TO: Senator Pat Pourchot  
FROM: Tamara Brandt Cook *TBC*  
Director  
Division of Legal Services

Sec. 1. Makes municipal initiative and referendum petition requirements applicable to local option petitions (regarding regulation or prohibitions on the use and possession of alcoholic beverages).

Sec. 2. Requires a unification petition to comply with requirements for a municipal initiative and referendum petition. The clerk submits the completed petition to the assembly with a report of the number of valid signatures determined by the clerk to be on it.

Sec. 3. Requires a petition calling for election of a charter commission to be prepared under requirements applicable to an initiative and referendum petition. The completed petition is submitted by the clerk to the governing body with a report of the number of valid signatures on it.

Sec. 4. Requires a petition for adoption of a manager plan to meet the requirements applicable to an initiative and referendum petition. If the clerk certifies that the petition is sufficient, it is submitted to the governing body.

Sec. 5. Reworded slightly, but no substantive change.

Sec. 6. Repeal of a manager plan requires the same procedures as adoption. The repeal is effective within 60 days after certification of the election approving repeal.

Sec. 7. Permits a person to vote in a municipal election only if the person is registered to vote in state elections

at a residence address within the municipality at least 30 days before the municipal election.

Sec. 8. Permits a municipality to require that a person be registered to vote in state elections at the address in the municipality claimed as the residence.

Sec. 9. Permits a municipality by ordinance to require a person whose registration has been cancelled to re-register before voting in municipal elections.

Sec. 10 Requires the name and address of a prime sponsor to be included on an initiative or referendum application. Correspondence relating to the petition is sent to that prime sponsor.

Sec. 11. Copies of the petition are provided to sponsors at the clerk's office, although, special circumstances are listed under which a copy will be mailed.

Sec. 12. Adds a cross reference to an exception added in the next section.

Sec. 13. Provides special initiative or referendum requirements for ordinances or resolutions that affect only part of a municipality.

Sec. 14. The clerk need only notify the prime sponsor of an insufficient petition.

Sec. 15. A recall petition must identify a prime sponsor.

Sec. 16. Copies of a recall petition are to be made available to sponsors at the clerk's office. A copy will be mailed only in special circumstances.

Sec. 17. The clerk is required to inform only the prime sponsor of the number of signatures needed on a recall petition.

Sec. 18. The clerk is required to inform the prime sponsor if the petition is insufficient.

Sec. 19. Minor rewording.

Senator Pat Pourchot  
Page 3  
March 13, 1989

Sec. 20. A person who is recalled may not be appointed to the same office to fill that vacancy until a successor is elected.

Sec. 21. Deletes definition of voter and substitutes a cross-reference to the statute that sets out voter qualifications.

TBC:gc  
WKG8/008





# Alaska State Legislature

House of Representatives  
Community & Regional Affairs

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### COMMITTEE SUBSTITUTE SENATE BILL 173

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- ITEM 3: SPONSOR MEMO
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# FISCAL NOTE

37 |

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: "An Act..municipal petitions and elections..certain municipal offices."  
Sponsor: Senator Adams  
Requestor: \_\_\_\_\_

Agency Affected: Community & Regional Affairs  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: *Jim Plasman*  
Jim Plasman, Deputy Director  
Division: Municipal & Regional Assistance

Phone: 465-4750  
Date: 3/7/89

Approved by Commissioner: *David C. Hoffman*  
Agency: Community & Regional Affairs

Date: 3-7-89

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

*forthcoming  
rec'd*

FISCAL NOTE

# 2

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An act relating to municipal  
petitions & elections  
Sponsor: Adams  
Requestor: Adams

Agency Affected: Office of the Governor  
BRU: Elections  
Components: I - Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Linda Edgeworth Phone: 465-4611  
Division: Division of Elections Date: \_\_\_\_\_  
Approved by Commissioner: *Mike Valentine* Date: 3/1/89  
Agency: Division of Elections

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

43

# Alaska State Legislature

Al Adams  
District L

WHILE IN SESSION  
P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3707

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3245

3111 C Street  
Anchorage, Alaska 99503  
(907) 561-7622



Official Business

April 7, 1989

TO: Representative MacLean, Chairman  
House Community & Regional Affairs Committee


FROM: Senator Al Adams *APA*

RE: SB 173

Thank you for scheduling SB 173, "An Act relating to municipal petitions and elections, and to appointments to fill certain municipal offices."

This bill clarifies procedures relating to municipal petitions and elections and was developed in response to concerns brought to my attention by the Alaska Municipal League.

In general, SB 173 clarifies petition procedures, requires a prime sponsor to be designated on petitions, establishes a 30 day registration requirement for voting in municipal elections, permits a municipality by ordinance to require a person whose registration has been cancelled to reregister in order to vote in municipal elections, provides special initiative or referendum requirements for ordinances or resolutions that affect only part of the municipality, and prohibits appointment of a recalled official to fill the vacancy created by the recall.

Attached  sectional analysis and fiscal note for CSSB 173 (C & RA).

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

4  
POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 1800

MEMORANDUM

April 5, 1989

SUBJECT: Sectional summary of CSSB 173 (C&RA)  
TO: Representative Eileen MacLean  
FROM: Tamara Brandt Cook *TBC*  
Director  
Division of Legal Services

Sec. 1. Makes municipal initiative and referendum petition requirements applicable to local option petitions (regarding regulation or prohibitions on the use and possession of alcoholic beverages).

Sec. 2. Requires a unification petition to comply with requirements for a municipal initiative and referendum petition. The clerk submits the completed petition to the assembly with a report of the number of valid signatures determined by the clerk to be on it.

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Sec. 5. Reworded slightly, but no substantive change.

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Sec. 12. Adds a cross reference to an exception added in the next section.

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Sec. 19. Minor rewording.

Representative Eileen MacLean

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April 5, 1989

Sec. 20. A person who is recalled may not be appointed to the same office to fill that vacancy until a successor is elected.

Sec. 21. Deletes definition of voter and substitutes a cross-reference to the statute that sets out voter qualifications.


TBC:gc  
WKG9/011

# Alaska MUNICIPAL League

TELEPHONE  
(907) 586-1325

217 SECOND ST., SUITE 200  
JUNEAU, ALASKA 99801

TO: Representative Eileen MacLean, Chair  
Members of the House Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

DATE: April 10, 1989

SUBJECT: CSSB 173 (C&RA) - Municipal Petitions and Elections

The Alaska Municipal League supports CSSB 173 (C&RA). In November 1988, the AML Board identified amendments to the statutes governing municipal elections to correct inconsistencies in those statutes and, where appropriate, to allow for greater local control, efficiency and fairness as a top priority of the League for the 1989 legislative session. CSSB 173 (C&RA) addresses several of the individual issues outlined in the League's Municipal Platform.

Sections 1, 2, 3 4, 5, and 6 clarify the petition process for elections on local liquor option under Title 4, and unification, charter commission formation, and the manager plan adoption or repeal under Title 29. The language in most cases adopts the existing petition process under Title 29 (AS 29.26.100 -.190) with some amendments.

A process for initiative and referendum petitions is established in AS 29.26.100-.190. The statutes governing adoption or deletion of the manager plan (AS 29.20.460), alteration of forms of government (AS 29.06), and the local liquor option (AS 4.11.502) currently contain vague references to "by petition" but do not specify that the procedures governing such petitions should be those in AS 29.26.100-.190.

Sections 7 and 8 of CSSB 173 (C&RA) amend the voter qualification criteria for municipal elections under Title 29. Municipal elections are carried out under Title 29, whereas state elections are governed by Title 15. Sections 7 and 8 clarify that an individual is required to be registered within the State of Alaska and the precinct, district, service area, or municipality in which they reside not less than thirty (30) days immediately preceding the date of the municipal election.

Most municipalities have addressed this requirement by incorporating state law into local ordinances; however, the requirements should be clarified. Votes should be registered within the area, precinct, or municipality in which they seek to vote. A person must be a resident and registered in the new area 30 days prior to voting in a local election. Thirty-day residency and registration requirements are standard conditions placed on an elector's entitlement to vote and are based upon substantial public policy reasons such as ensuring that electors are informed about the candidates and issues

of the election, ensuring that an elector in the area has a stake in the election, administrative convenience, and elimination of fraud in elections. Section 9 would allow a municipality the option of passing an ordinance requiring a resident to register to vote in the municipal election if he/she has not registered in the municipality or voted for two years, or have his/her name purged from the eligible voter list. Under Title 15, a voter whose registration has been canceled for non-activity, may still vote in an election as long as they have been registered at sometime during the two previous general elections. This approach works well for state elections because of the Division of Elections immediate access to past records of canceled voters. However, for some municipalities without such easy access (e.g other than Anchorage, Fairbanks and Juneau) this is a burden. The bill would allow each municipality the discretion to determine the procedure regarding purged voters for its elections, while not interfering with the procedures utilized by the State.

Sections 10 - 12 and 14 - 18 address the initiative, referendum and recall petition by amending Title 29 to a) require the municipal clerk to notify the designated contact who submits an application for an initiative, referendum, or recall petition of the sufficiency of the application and the availability of the petition and b) require the clerk to provide petitions only to persons who request a petition in person, or in writing if located in a multi-community municipality, from the clerk's office.

The Title 29 revision of 1986 provided an entirely new format for initiative, referendum, and recall petitions. This format has been tested, and it is time for some revisions to "tighten up" some portions of it. First, it should be clarified that the burden of contacting the sponsors of applications for petitions should be on the designated contact sponsor, not on the clerk. Applications for petitions in larger municipalities may contain hundreds of names of sponsors, many of whom aren't even aware they have been listed.

Second, petitions should be given only to those who agree to circulate the petition and sign for it. This would make the initiative, referendum, and recall process more manageable for the public and the clerk.

Section 19 is a technical clarification of AS 29.26.330, the form of a recall ballot, requiring material be filed at least 20 days before the election.

Section 13 amends AS 29.26.110-.190 to make a distinction for initiative and referendum issues of non-areawide or service area powers. AS 29.26.100-.190, which outlines the standards and process associated with a referendum election, mentions only municipal voters and makes no distinction as to voters inside the city and those outside it. The statutes do not require that petitioners or voters on an initiative or referendum be within the proposed or existing service area. Repeal of a non-areawide or service

AML Testimony on CSSB 173 (C&RA)  
April 10, 1989  
Page 3

area power would affect residents located outside cities, but under current statutes voters within cities could have a significant, and potentially dominant, role in determining whether residents outside the city receive services.

Section 20 amends Title 29 to prohibit a recalled elected official or a recalled official appointed to an elected office from being appointed to the vacancy created by the recall. If voters recall an elected official or an official appointed to an elected office, the voters have spoken, and their decision should stand. Prohibiting a recalled official from being reappointed also avoids pressure on other elected officials. Basically, allowing a recalled person to be appointed to the vacancy created by his or her recall is contrary to the whole recall process. AS 29.26.320(c) states that a person who resigns (during a recall process) may not be appointed to fill the vacancy. To be consistent, a recalled official should not be appointed to the vacancy created by the recall.

The AML supports CSSB 173 (C&RA) and urges the Committee and the Legislature to pass the bill to bring clarity and fairness to the municipal elections process.

**Resolution of the Alaska Municipal League**

**Resolution No. 89-6**

**A RESOLUTION URGING THE AMENDMENT OF MUNICIPAL  
ELECTION STATUTES TO CORRECT INCONSISTENCIES  
AND ALLOW FOR GREATER LOCAL CONTROL**

WHEREAS, several inconsistencies exist in the state laws governing municipal elections and the election process which are inappropriate, and

WHEREAS, these inconsistencies and incongruities impede the efficient management of the municipal elections process and introduce inequities into the election process, the foundation of our democratic system of government, and

WHEREAS, the limitations on staff and funding for the Alaska Public Offices Commission preclude the commission from adequately enforcing state statutes at the municipal level;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League urges the 16th Alaska Legislature and the Governor to pass legislation amending the statutes governing municipal elections to correct these inadequacies by adopting a package of election revisions proposed by the municipalities themselves through the Alaska Municipal League.

SUGGESTED AMENDMENTS  
SENATE BILL 173

The Division of Elections has reviewed the text of this bill and supports its general intent. It is important to note, however, that the Division of Elections is not directly affected by the main text of this bill. However, the Division serves municipalities in the conduct of local elections in a support capacity, specifically in maintaining voter registration rolls, providing voter lists and precinct registers, recording local voter history and determining precinct boundaries and polling sites. We, therefore, work with and lend our support to the Municipal League and local governments on these issues whenever possible. We support the general content of this bill because we agree with local officials that current laws regarding voter qualifications and petition processing do not adequately address the needs of local officials in the administration of these functions.

The Division wishes to focus its comments specifically on the sections regarding voter qualifications. It is our understanding that the purpose of this legislation is to resolve two major issues that, under current law, are unclear.

1. Under current law a voter must be a "resident" of the municipality in which he or she wants to vote for 30 days prior to an election. The law makes no requirement that they also be "registered" in the community. As long as they are registered somewhere to vote in state elections, local officials must count their vote.
2. Under existing provisions there is no clear statement as to the deadline by which a voter qualified in state elections must be registered for local elections.

The provisions of Section 7, are intended to clarify the requirements. Having discussed this issue with the Executive Director of the Alaska Municipal League, members of the League's legislative committee, and legal counsel for the league, the Division would like to recommend a friendly amendment to the bill which we believe more clearly fulfills the intent of the legislation. The text of that amendment is attached.

AMENDMENT #1

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

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

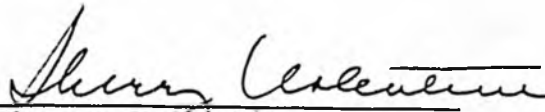
(1) is [A UNITED STATES CITIZEN WHO IS] qualified to vote in state elections[, ] under AS 15.05.010;

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

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

(4) is not disqualified under art. V of the state constitution.

3/2/89  
Date

  
Sherry Valentine  
Deputy Director

Another issue that has been raised by municipal officials relates to the status of votes cast by voters who have been purged. Under Title 15, a voter whose registration has been canceled for non-activity, may still vote in an election as long as they have been registered at sometime during the 2 previous general elections. This approach works well for state elections because of the Division's immediate access to past records of cancelled voters. For some municipalities this a burden and it has been suggested that the provision be deleted. While the Division of Elections would not support such a repeal for state elections we are sensitive to the burden it puts on some municipalities.

Should the Municipal League and municipalities wish to pursue this issue, however, we offer the following suggestion which would allow each municipality the discretion to determine the procedures regarding purged voters which will be utilized for its elections, while not interfering with the procedures utilized by the State.

Add a new subsection to AS 29.26.050 to read:

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

Article 2. Initiative and Referendum.

Section

- 100. Reservation of powers
- 110. Application for petition
- 120. Contents of petition
- 130. Signature requirements
- 140. Sufficiency of petition

Section

- 150. Protest
- 160. New petition
- 170. Initiative election
- 180. Referendum election
- 190. Effect

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Effective date of article. — Section 90, ch. 74, SLA 1985 provides: "This Act takes effect January 1, 1986."

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**Sec. 29.26.100. Reservation of powers.** The powers of initiative and referendum are reserved to the residents of municipalities, except the powers do not extend to matters restricted by art. XI, sec. 7 of the state constitution. (§ 9 ch 74 SLA 1985)

**Sec. 29.26.110. Application for petition.** (a) An initiative or referendum is proposed by filing an application with the municipal clerk containing the ordinance or resolution to be initiated or the ordinance or resolution to be referred and the address to which all correspondence relating to the petition may be sent. An application shall be signed by a least 10 voters who will sponsor the petition. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. Within two weeks the clerk shall certify the application if the clerk finds that it is in proper form and, for an initiative petition, that the matter

- (1) is not restricted by AS 29.26.100;
  - (2) includes only a single subject;
  - (3) relates to a legislative rather than to an administrative matter;
- and
- (4) would be enforceable as a matter of law.

(b) A decision by the clerk on an application for petition is subject to judicial review. (§ 9 ch 74 SLA 1985)

**Sec. 29.26.120. Contents of petition.** (a) Within two weeks after certification of an application for an initiative or referendum petition, a petition shall be prepared by the municipal clerk. Each copy of the petition shall contain

- (1) a summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred;
- (2) the complete ordinance or resolution sought to be initiated or referred as submitted by the sponsors;

(3) the date on which the petition is issued by the clerk;

(4) notice that signatures must be secured within 90 days after the date the petition is issued;

(5) spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;

(6) a statement, with space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and

(7) space for indicating the total number of signatures on the petition.

(b) If a petition consists of more than one page, each page shall contain the summary of the ordinance or resolution to be initiated or the ordinance or resolution to be referred.

(c) Copies of the petition shall be provided to each sponsor by the clerk. (§ 9 ch 74 SLA 1985)

**Sec. 29.26.130. Signature requirements.** (a) The signatures on an initiative or referendum petition shall be secured within 90 days after the clerk issues the petition. The statement provided under AS 29.26.120(a)(6) shall be signed and dated by the sponsor. Signatures shall be in ink or indelible pencil.

(b) The clerk shall determine the number of signatures required on a petition and inform each sponsor. A petition shall be signed by a number of voters based on the number of votes cast at the last regular election held before the date the petition was issued equal to

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

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

(c) Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.

(d) A petition signer may withdraw the signer's signature on written application to the clerk before certification of the petition. (§ 9 ch 74 SLA 1985)

**Sec. 29.26.140. Sufficiency of petition.** (a) All copies of an initiative or referendum petition shall be assembled and filed as a single instrument. Within 10 days after the date the petition is filed, the municipal clerk shall

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

(2) if the petition is insufficient, identify the insufficiency and notify the sponsors at the address provided under AS 29.26.110(a) by certified mail.

(b) A petition that is insufficient may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is rejected.

(c) A petition that is insufficient shall be rejected and filed as a public record unless it is supplemented under (b) of this section. Within 10 days after a supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record. (§ 9 ch 74 SLA 1985)

**Sec. 29.26.150. Protest.** If the municipal clerk certifies an initiative or referendum petition is insufficient, a signer of the petition may file a protest with the mayor within seven days after the certification. The mayor shall present the protest at the next regular meeting of the governing body. The governing body shall hear and decide the protest. (§ 9 ch 74 SLA 1985)

**Sec. 29.26.160. New petition.** Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition on substantially the same matter may not be filed sooner than six months after a petition is rejected as insufficient. (§ 9 ch 74 SLA 1985)

**Sec. 29.26.170. Initiative election.** (a) Unless substantially the same measure is adopted, when a petition seeks an initiative vote the clerk shall submit the matter to the voters at the next regular election occurring no sooner than 45 days after certification of the petition. If no regular election occurs within 75 days after the certification of a petition, the governing body shall hold a special election within 75 days, but not sooner than 45 days after certification.

(b) If the governing body adopts substantially the same measure, the petition is void and matter initiated may not be placed before the voters.

(c) The ordinance or resolution initiated shall be published in full in the notice of the election, but may be summarized on the ballot to indicate clearly the proposal submitted.

(d) If a majority vote favors the ordinance or resolution, it becomes effective upon certification of the election, unless a different effective date is provided in the ordinance or resolution (§ 9 ch 74 SLA 1985)

**Sec. 29.26.180. Referendum election.** (a) Unless the ordinance or resolution is repealed, when a petition seeks a referendum vote the clerk shall submit the matter to the voters at the next election occurring no sooner than 45 days after certification of the petition. If no election occurs within 75 days of certification of a petition, the governing body shall hold a special election within 75 days, but not sooner than 45 days after certification.

(b) If a petition is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the governing body may not enact an ordinance or resolution substantially similar to the suspended measure.

(c) If the governing body repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

(d) If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election. (§ 9 ch 74 SLA 1985)

**Sec. 29.26.190. Effect.** (a) The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed.

(b) If an ordinance or resolution is repealed in a referendum election or by the governing body after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted by the governing body for a period of two years.

(c) If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. (§ 9 ch 74 SLA 1985)

# Alaska State Legislature

Al Adams  
District 1

RECEIVED APR 17 1989

RECEIVED APR 14 1989

WHILE IN SESSION  
P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3707

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3245

3111 C Street  
Anchorage, Alaska 99503  
(907) 561-7622

Official Business

TO: Representatives Goll and Gruenberg, Co-chairs  
House Judiciary Committee

FROM: Senator Al Adams, Chair  
Community and Regional Affairs Committee

RE: SB 173 : An Act relating to municipal petitions and  
elections, and to appointments to fill certain municipal  
offices.

DATE: April 14, 1989

This is to request a hearing on the aforementioned legislation in the House Judiciary Committee. The purpose of SB 173 is to clarify some of the procedures relating to municipal petitions and elections. This bill was developed in response to concerns brought to our attention by the Alaska Municipal League.

Very briefly the highlights of this bill are:

Sections 1-6 clarify the petition process for elections under Title 4, unification, charter commission formation, and manager plan adoption or repeal. The current law does not specify that the procedures for these petitions are those contained in AS 29.100-190.

Sections 7-8 deal with municipal voter qualification criteria.

Section 9 permits a municipality by ordinance to require a person whose registration has been cancelled under AS 15.07.130 to reregister in order to vote in a municipal election.

Sections 10-12,14-18 sets out a prime sponsor, and lines out the responsibilities of municipalities in regards to the prime sponsor.

*Hayden*

Section 13: provides special initiative or referendum requirements for ordinances or resolutions that affect only part of the municipality.

Section 20 makes it clear that you can't appoint a person who is recalled to fill the vacancy until a successor is elected.

Sec 21 amends the definition of voter.

I appreciate your consideration of this request.

TO: Senator Al Adams  
FROM: Scott A. Burgess, Executive Director  
DATE: April 6, 1989  
SUBJECT: SB 173 - Municipal Petitions and Elections

SB 173 addresses several of the issues outlined in the Alaska Municipal League's Municipal Platform dealing with municipal elections.

Sections 1, 2, 3 4, 5, and 6 clarify the petition process for elections on local liquor option under Title 4, and unification, charter commission formation, and the manager plan adoption or repeal under Title 29. The language in most cases adopts the existing petition process under Title 29 (AS 29.26.100 -.190) with some amendments.

A process for initiative and referendum petitions is established in AS 29.26.100-.190. The statutes governing adoption or deletion of the manager plan (AS 29.20.460), alteration of forms of government (AS 29.06), and the local liquor option (AS 4.11.502) currently contain vague references to "by petition" but do not specify that the procedures governing such petitions should be those in AS 29.26.100-.190.

Sections 7 and 8 of SB 173 amend the voter qualification criteria for municipal elections under Title 29. Municipal elections are carried out under Title 29, whereas state elections are governed by Title 15. Sections 7 and 8 clarify that an individual is required to be registered within the State of Alaska and the precinct, district, service area, or municipality in which they reside not less than thirty (30) days immediately preceding the date of the municipal election.

Most municipalities have addressed this requirement by incorporating state law into local ordinances; however, the requirements should be clarified. Votes should be registered within the area, precinct, or municipality in which they seek to vote. A person must be a resident and registered in the new area 30 days prior to voting in a local election. Thirty-day residency and registration requirements are standard conditions placed on an elector's entitlement to vote and are based upon substantial public policy reasons such as ensuring that electors are informed about the candidates and issues of the election, ensuring that an elector in the area has a stake in the election, administrative convenience, and elimination of fraud in elections.

Section 9 would allow a municipality the option of passing an ordinance requiring a resident to register to vote in the municipal election if he/she has not registered in the municipality or voted for two years, or have his/her name purged from the eligible voter list. Under Title 15, a voter whose registration has been canceled for non-activity, may still vote in an election as long as they

have been registered at sometime during the two previous general elections. This approach works well for state elections because of the Division of Elections immediate access to past records of canceled voters. However, for some municipalities without such easy access (e.g other than Anchorage, Fairbanks and Juneau) this is a burden. The bill would allow each municipality the discretion to determine the procedure regarding purged voters for its elections, while not interfering with the procedures utilized by the State.

Sections 10 - 12 and 14 - 18 address the initiative, referendum and recall petition by amending Title 29 to a) require the municipal clerk to notify the designated contact who submits an application for an initiative, referendum, or recall petition of the sufficiency of the application and the availability of the petition and b) require the clerk to provide petitions only to persons who request a petition in person, or in writing if located in a multi-community municipality, from the clerk's office.

The Title 29 revision of 1986 provided an entirely new format for initiative, referendum, and recall petitions. This format has been tested, and it is time for some revisions to "tighten up" some portions of it. First, it should be clarified that the burden of contacting the sponsors of applications for petitions should be on the designated contact sponsor, not on the clerk. Applications for petitions in larger municipalities may contain hundreds of names of sponsors, many of whom aren't even aware they have been listed.

Second, petitions should be given only to those who agree to circulate the petition and sign for it. This would make the initiative, referendum, and recall process more manageable for the public and the clerk.

Section 19 is a technical clarification of AS 29.26.330, the form of a recall ballot, requiring material be filed at least 20 days before the election.

Section 13 amends AS 29.26.110-.190 to make a distinction for initiative and referendum issues of non-areawide or service area powers. AS 29.26.100-.190, which outlines the standards and process associated with a referendum election, mentions only municipal voters and makes no distinction as to voters inside the city and those outside it. The statutes do not require that petitioners or voters on an initiative or referendum be within the proposed or existing service area. Repeal of a non-areawide or service area power would affect residents located outside cities, but under current statutes voters within cities could have a significant, and potentially dominant, role in determining whether residents outside the city receive services.

Section 20 amends Title 29 to prohibit a recalled elected official or a recalled official appointed to an elected office from being appointed to the vacancy created by the recall. If voters recall an elected official or an official appointed to an elected office, the voters have spoken, and their decision should stand. Prohibiting a recalled official from being reappointed also avoids pressure on other elected officials. Basically, allowing a recalled person to be appointed to the vacancy created by his or her recall is contrary to the whole recall process. AS 29.26.320(c) states that a person who resigns (during a recall process) may not be appointed to fill the vacancy. To be consistent, a recalled official should not be appointed to the vacancy created by the recall.

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An Act..municipal petitions & elections, & to appointments.."  
 Sponsor: Senator Adams  
 Requestor: \_\_\_\_\_

Agency Affected: Community & Regional Affairs  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Jam Plasman, Deputy Director Phone: 465-4750  
 Division: Municipal & Regional Assistance Date: 3-1-89  
 Approved by Commissioner: [Signature] Date: 3-1-89  
 Agency: Community & Regional Affairs

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

## Revisions of the Municipal Election Code

The Alaska Municipal League urges the 16th Legislature to pass legislation amending the statutes governing municipal elections to correct inconsistencies in those statutes and, where appropriate, to allow for greater local control of issues affecting municipalities. The package of election law revisions proposed by the League includes the following:

Sec. 1, 2  
3, 4, 6

- Specifying that the procedures for petitioning for adoption or deletion of the manager plan, alteration of government, and local liquor option are those established in AS 29.26.100-.190:

A process for initiative and referendum petitions is established in AS 29.26.100-.190. The statutes governing adoption or deletion of the manager plan (AS 29.20.460), alteration of forms of government (AS 29.06), and the local liquor option (AS 4.11.502) currently contain vague references to "by petition" but do not specify that the procedures governing such petitions should be those in AS 29.26.100-.190.

Sec. 7, 8

- Amending Title 29, the Municipal Code, to allow a municipality, by ordinance, to require persons to be registered within the State of Alaska and the precinct, district, service area, or municipality in which they reside not less than 30 days immediately preceding the date of the municipal election.

Most municipalities have addressed this requirement by incorporating state law into local ordinances; however, the requirements should be clarified. Voters should be registered within the area, precinct, or municipality in which they seek to vote. A person must be a resident and registered in the new area 30 days prior to voting in a local election. Thirty-day residency and registration requirements are standard conditions placed on an elector's entitlement to vote and are based upon substantial public policy reasons such as ensuring that electors are informed about the candidates and issues of the election, ensuring that an elector in the area has a stake in the election, administrative convenience, and the elimination of fraud in elections.

Sec. 9, 10,  
13, 14, 15, 16,  
17

- Amending Title 29 to a) require the municipal clerk to notify the designated contact who submits an application for an initiative, referendum, or recall petition of the sufficiency of the application and the availability of the petition and b) require the clerk to provide petitions only to persons who request a petition in person, or in writing if located in a multi-community municipality, from the clerk's office:

The Title 29 revision of 1986 provided an entirely new format for initiative, referendum, and recall petitions. This format has been tested, and it is time for some revisions to "tighten up" some portions of it.

First, it should be clarified that the burden of contacting the sponsors of applications for petitions should be on the designated contact sponsor, not on the clerk. Applications for petitions in larger municipalities may contain hundreds of names of

sponsors, many of whom aren't even aware they have been listed.

Second, petitions should be given only to those who agree to circulate the petition and sign for it. This would make the initiative, referendum, and recall process more manageable for the public and the clerk.

Sec. 19

- Amending Title 29 to prohibit a recalled elective official or a recalled official appointed to an elective office from being appointed to the vacancy created by the recall:

If voters recall an elected official or an official appointed to an elective office, the voters have spoken, and their decision should stand. Prohibiting a recalled official from being reappointed also avoids pressure on other elected officials. Basically, allowing a recalled person to be appointed to the vacancy created by his or her recall is contrary to the whole recall process. AS 29.26.320(c) states that a person who resigns during a recall process may not be appointed to fill the vacancy; it is consistent with this that a recalled official should not be appointed to the vacancy created by the recall.

Sec. 12

- Amending AS 29.26.100-190 to make a distinction for initiatives and referendum issues of non-areawide or service area powers:

AS 29.26.100-190, which outline the standards and process associated with a referendum election, mention only municipal voters and make no distinction as to voters inside the city and those outside it. The statutes do not require that petitioners or voters on an initiative or referendum be within the proposed or existing service area. Repeal of a non-areawide or service area power would affect residents located outside cities, but under current statutes voters within cities could have a significant, and potentially dominant, role in determining whether residents outside the city receive services.

The Alaska Municipal League (AML) is a statewide, nonprofit, non-partisan organization of local governments. Its 123 municipal members include most of Alaska's cities, boroughs, and unified municipalities. The League serves as an advocate for municipal government in the Legislature and with the state executive departments, acts as a clearinghouse for information on federal and state actions affecting local governments, conducts training for local government officials, provides information through its newsletter, legislative bulletins, and other publications, and conducts an annual conference for policy development and training.


The Alaska Municipal League provides a forum through which local government officials can assist each other in the solution of municipal problems and can express their common concerns to state and federal officials. Through its members, the AML seeks to advance the interests and well-being of all Alaskans by supporting and advocating strong, cost-effective, and responsive local governments.

# Alaska MUNICIPAL League

TELEPHONE  
(907) 586-1325  
FAX 463-5480

217 SECOND STREET, SUITE 200  
JUNEAU, ALASKA 99801

TO: Senator Al Adams, Chair  
Members of the Senate Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

DATE: March 1, 1989

SUBJECT: SB 173 - Municipal Petitions and Elections

The Alaska Municipal League supports SB 173. In November 1988, the AML Board identified amendments to the statutes governing municipal elections to correct inconsistencies in those statutes and, where appropriate, to allow for greater local control, efficiency and fairness as a top priority of the League for the 1989 legislative session. SB 173 addresses several of the individual issues outlined in the League's Municipal Platform.

Sections 1, 2, 3, 4, 5, and 6 clarify the petition process for elections on local liquor option under Title 4, and unification, charter commission formation, and the manager plan adoption or repeal under Title 29. The language in most cases adopts the existing petition process under Title 29 (AS 29.26.100 -.190) with some amendments.

A process for initiative and referendum petitions is established in AS 29.26.100-.190. The statutes governing adoption or deletion of the manager plan (AS 29.20.460), alteration of forms of government (AS 29.06), and the local liquor option (AS 4.11.502) currently contain vague references to "by petition" but do not specify that the procedures governing such petitions should be those in AS 29.26.100-.190.

Sections 7 and 8 of SB 173 amend the voter qualification criteria for municipal elections under Title 29. Municipal elections are carried out under Title 29, whereas state elections are governed by Title 15. Sections 7 and 8 clarify that an individual is required to be registered within the State of Alaska and the precinct, district, service area, or municipality in which they reside not less than thirty (30) days immediately preceding the date of the municipal election.

Most municipalities have addressed this requirement by incorporating state law into local ordinances; however, the requirements should be clarified. Votes should be registered within the area, precinct, or municipality in which they seek to vote. A person must be a resident and registered in the new area 30 days prior to voting in a local election. Thirty-day residency and registration requirements are standard conditions placed on an elector's entitlement to vote and are based upon substantial public policy reasons such as ensuring that electors are informed about the candidates and issues of the election, ensuring that an elector in the area has a stake in the election, administrative convenience, and elimination of fraud in elections.

Sections 9 - 11 and 13 - 17 address the initiative, referendum and recall petition by amending Title 29 to a) require the municipal clerk to notify the designated contact who submits an application for an initiative, referendum, or recall petition of the sufficiency of the application and the availability of the petition and b) require the clerk to provide petitions only to persons who request a petition in person, or in writing if located in a multi-community municipality, from the clerk's office.

The Title 29 revision of 1986 provided an entirely new format for initiative, referendum, and recall petitions. This format has been tested, and it is time for some revisions to "tighten up" some portions of it. First, it should be clarified that the burden of contacting the sponsors of applications for petitions should be on the designated contact sponsor, not on the clerk. Applications for petitions in larger municipalities may contain hundreds of names of sponsors, many of whom aren't even aware they have been listed.

Second, petitions should be given only to those who agree to circulate the petition and sign for it. This would make the initiative, referendum, and recall process more manageable for the public and the clerk.

Section 18 clarifies AS 29.26.330 on the form of a recall ballot.

Section 12 amends AS 29.26.110-.190 to make a distinction for initiative and referendum issues of non-area-wide or service area powers. AS 29.26.100-.190, which outlines the standards and process associated with a referendum election, mentions only municipal voters and makes no distinction as to voters inside the city and those outside it. The statutes do not require that petitioners or voters on an initiative or referendum be within the proposed or existing service area. Repeal of a non-area-wide or service area power would affect residents located outside cities, but under current statutes voters within cities could have a significant, and potentially dominant, role in determining whether residents outside the city receive services.

Section 19 amends Title 29 to prohibit a recalled elected official or a recalled official appointed to an elected office from being appointed to the vacancy created by the recall. If voters recall an elected official or an official appointed to an elected office, the voters have spoken, and their decision should stand. Prohibiting a recalled official from being reappointed also avoids pressure on other elected officials. Basically, allowing a recalled person to be appointed to the vacancy created by his or her recall is contrary to the whole recall process. AS 29.26.320(c) states that a person who resigns (during a recall process) may not be appointed to fill the vacancy. To be consistent, a recalled official should not be appointed to the vacancy created by the recall.

The AML supports SB 173 and urges the Committee and the Legislature to pass the bill to bring clarity and fairness to the municipal elections process.

# Alaska Municipal League Policy Statement

## 1989



Adopted at the Business Meeting  
of the 38th Annual Local Government Conference  
of the  
**ALASKA MUNICIPAL LEAGUE**  
Fairbanks, Alaska  
November 18, 1988

**Resolution of the Alaska Municipal League**

**Resolution No. 89-6**

**A RESOLUTION URGING THE AMENDMENT OF MUNICIPAL  
ELECTION STATUTES TO CORRECT INCONSISTENCIES  
AND ALLOW FOR GREATER LOCAL CONTROL**

WHEREAS, several inconsistencies exist in the state laws governing municipal elections and the election process which are inappropriate, and

WHEREAS, these inconsistencies and incongruities impede the efficient management of the municipal elections process and introduce inequities into the election process, the foundation of our democratic system of government, and

WHEREAS, the limitations on staff and funding for the Alaska Public Offices Commission preclude the commission from adequately enforcing state statutes at the municipal level;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League urges the 16th Alaska Legislature and the Governor to pass legislation amending the statutes governing municipal elections to correct these inadequacies by adopting a package of election revisions proposed by the municipalities themselves through the Alaska Municipal League.

*Adopted at Annual Business Meeting o November 18, 1988 o Fairbanks, Alaska*

6-0744H  
Cook  
5/5/89

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 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 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. 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 local election district or service area, a municipality  
12 may by ordinance require that a person be registered, at least 30 days  
13 before the municipal election, to vote in state elections at an  
14 address within the boundaries of the local election district or ser-  
15 vice 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 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. 10. AS 29.26.120(c) is amended to read:

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

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

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

19 (1) 25 percent of the votes cast if a municipality has  
20 fewer than 7,500 persons; or

21 (2) 15 percent of the votes cast if a municipality has 7,500  
22 persons or more.

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

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

1 the number of votes cast in that area at the last regular election  
2 held before the date notice is given to the contact person that the  
3 petition is available equal to

4 (1) 25 percent of the votes cast if the area has fewer than  
5 7,500 persons; or

6 (2) 15 percent of the votes cast if the area has 7,500  
7 persons or more.

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

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

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

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

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

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

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

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

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

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

26 (b) The clerk shall notify the contact person when the petition  
27 is available. That person is responsible for notifying sponsors.  
28 Copies of the petition shall be provided by the clerk to each sponsor  
29 who appears in the clerk's office and requests a petition, and the

1 clerk shall mail the petition to each sponsor who has requested in  
2 writing that the petition be mailed [BY THE CLERK].

3 \* Sec. 16. 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 contact person [EACH SPONSOR]. If a  
6 petition seeks to recall an official who represents the municipality  
7 at large, the petition shall be signed by a number of voters equal to  
8 25 percent of the number of votes cast for that office at the last  
9 regular election held before the date notice is given to the contact  
10 person that the petition is available [THE PETITION WAS ISSUED]. If a  
11 petition seeks to recall an official who represents a district, the  
12 petition shall be signed by a number of the voters residing in the  
13 district equal to 25 percent of the number of votes cast in the dis-  
14 trict for that office at the last regular election held before the  
15 date the notice is given to the contact person that the petition is  
16 available [WAS ISSUED].

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

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

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

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

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

28 Sec. 29.26.330. FORM OF RECALL BALLOT. A recall ballot shall  
29 contain

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

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

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

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

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

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

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