

S B

L R

SENATE COMMITTEE REPORT

FURTHER

3/21/89

DATE TURNED INTO OFFICE

4/4/89

Mr. President:

Finance

Committee considered

SB 173

municipal petitions and elections, and to appointments to fill certain municipal offices and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS SB 173 (G+RA)) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

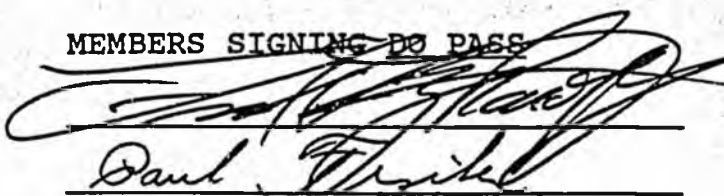
individual recommendations

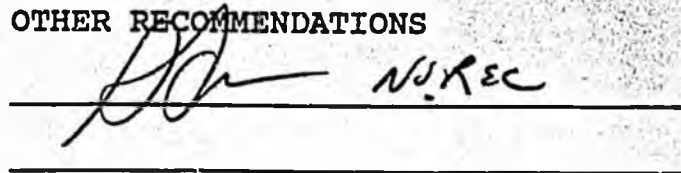
further referral to _____

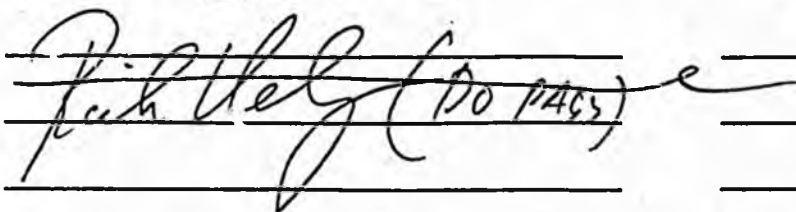
FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new Div of Elections updated previous
 same as previous fiscal note(s) published 3/28/89

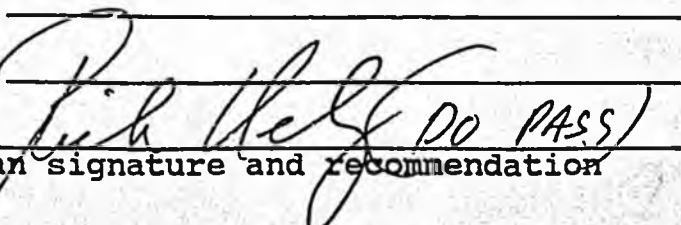
MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS


Paul Threlkeld


NUREC


Rich Kelly (DO PASS)


Chairman signature and recommendation

Committee Backup attached

R/O SEC 4-4-89

A/B

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 173 (C&RA)
PUBLISH DATE: 3/8/89

FISCAL NOTE

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						
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: Jim Plasman, Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 3/7/89
 Approved by Commissioner: David G. Hoffmann Date: 3-7-89
 Agency: Community & Regional Affairs

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

FISCAL NOTE

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-
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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: [Signature] Date: 3/1/89
Agency: Division of Elections

Distribution (by preparer):

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

*See See
published
BUT FN not
addressed in
previous committee*

Original sponsor: Adams

1 IN THE SENATE BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 173 (C&RA)
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 the ordinance
26 or resolution the application shall contain the question under AS 29.-
27 06.210(a). The petition shall be prepared in accordance with AS 29.-
28 26.120, except material required under (a)(1) and (2) of that section
29 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 constitution.
4

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 municipal
16 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].

Alaska State Legislature

Al Adams
District L

WHILE IN SESSION
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P.O. Box 333
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3111 C Street
Anchorage, Alaska 99503
(907) 561-7622



Official Business

March 23, 1989

TO: Senator Uehling, Co-Chairman
Senate Finance Committee

FROM: Senator Al Adams *AAA*

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

Alaska State Legislature

Al Adams
District L

WHILE IN SESSION
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Juneau, Alaska 99811
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OUT OF SESSION
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(907) 442-3245

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Anchorage, Alaska 99503
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Official Business

Memorandum

TO: Senate Community and Regional Affairs Committee
Members

FROM: Senator Al Adams, Chairman

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

DATE: February 28, 1989

This is basically a housekeeping bill. When we rewrote Title 29, we failed to clarify some of the procedures relating to municipal petitions and elections. This bill was developed with the help of the AML legislative committee in an effort to address these concerns.

As currently written SB 173 covers the following issues: 1) makes local option petitions, unification petitions, preparation of petitions calling for the election of a charter commission, and petitions for adoption of a manager plan subject to the same requirements as municipal initiative and referendum petitions; 2) requires the same procedure for repeal of a manager plan as adoption; 3) permits a person to vote in a municipal election only if the person is registered in state election at least 30 days before the municipal election; 4) permits a municipality to require a person be registered in state elections at the address in the municipality claimed as the residence; 5) delineates a prime sponsor and requires the municipality to notify only the prime sponsor (as opposed to each sponsor) of an initiative, referendum or recall petition about the sufficiency or availability of a petition and to provide the petition only to a sponsor who requests it in person or by mail under certain conditions; 6) provides special initiative or referendum requirements for ordinances or resolutions that affect only a part of a municipality; 7) does not allow a person who has been recalled from an office to be appointed to fill that vacancy.

STATE OF ALASKA
THE LEGISLATURE

PO BOX 1 - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 27, 1989

SUBJECT: Sectional summary of SB 173

TO: Senator Al Adams

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 in state election 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. 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. 10. 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. 11. Adds a cross reference to an exception added in the next section.

Sec. 12. Provides special initiative or referendum requirements for ordinances or resolutions that affect only part of a municipality.

Sec. 13. The clerk need only notify the prime sponsor of an insufficient petition.

Sec. 14. A recall petition must identify a prime sponsor.

Sec. 15. 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. 16. The clerk is required to inform only the prime sponsor of the number of signatures needed on a recall petition.

Sec. 17. The clerk is required to inform the prime sponsor if the petition is insufficient.

Sec. 18. Minor rewording.

Sec. 19. A person who is recalled may not be appointed to the same office to fill that vacancy until a successor is elected.

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.

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;

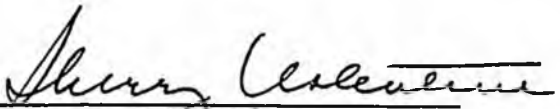
(2) has been a resident of the municipality for 30 days immediately preceding the election;

(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.

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-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 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.

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

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

-ALASKA MUNICIPAL LEAGUE POLICY STATEMENT-

Resolution of the Alaska Municipal League

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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.

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						
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REVENUE						
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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: 3-2-89
Agency: Community & Regional Affairs

Distribution (by preparer):
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