

HJR

4

REPRESENTATIVE  
**TERRY MARTIN**  
CHAIRMAN  
BUDGET & AUDIT COMMITTEE  
MEMBER  
HOUSE FINANCE COMMITTEE

# Alaska State Legislature



MAY 15 - JAN 15 258-8169  
716 W. 4TH, SUITE 650  
ANCHORAGE, AK 99504

JAN 15 - MAY 15 465-3783  
STATE CAPITOL  
JUNEAU, AK 99801-1182

HOME 333-6990  
355 DONNA DRIVE, #11  
ANCHORAGE, AK 99504

## MEMORANDUM

DATE: January 17, 1995

TO: Representative Jeannette James, Chair  
State Affairs Committee

FROM: Representative Terry Martin *TMM*

RE: Scheduling of HJR4

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At your earliest convenience would you please schedule House Joint Resolution 4, authorizing the use of the initiative to amend the Constitution of the State of Alaska.

My staff will submit the required information pertaining to the bill as soon as possible. If you have any questions, please contact Tom Anderson at 6590.



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## SPONSOR SUMMARY

### HJR 4

Authorizing the use of the initiative to amend  
the Constitution of the State of Alaska.

The use of initiative enables citizens to bypass the legislature by placing proposed constitutional amendments on the ballot. At present, nearly half of the United States (24) have adopted the initiative process into their prospective state government.

Since the 2nd Session of the 1st Legislature (1960), there have been over 600 resolutions introduced by legislators to amend the Alaska Constitution, 31 of which have gone before the voters and of these, 22 were approved and 9 were rejected. The most persistent issue since 1969 has been the length of the legislative session for which 50 resolutions have been introduced. In 1983, Rep. Joe Hayes, then Speaker of the House, succeeded in passing a 120 day session which we currently operate under, and yet many believe the session should be limited to 90 days or less.

Since 1968, legislators have introduced 29 resolutions on behalf of the people to elect the attorney general, while 27 resolutions have been introduced to limit state legislative terms (three of which were killed in the 18th Legislature). In retrospect, these constitutional amendments were supported by the voters and yet never brought before them due to a self-righteous group of legislators unwilling to allow democracy to operate as it should.

In essence, HJR 4 will allow the Alaskan citizenry to initiate and enact laws without action by the legislature. There are six positive reasons why the voters of Alaska are entitled to this form of direct legislation: 1.) Direct legislation will reduce the empowerment of political parties, political bosses, and entrenched legislators; 2.) Direct legislation will reduce power and repeal action of special interests; 3.) Direct legislation will educate the people and allow them to develop



civic virtue; 4.) Citizens are as well-qualified as their elected representatives, if not more so, to decide public policy questions; 5.) Citizens want to decide public policy issues directly, and by permitting them to have full participation we would substantially decrease public apathy and dissatisfaction with government; and finally 6.) Direct initiative (grass root legislation) issues on the ballot for election day increases the percentage of public turn-out to vote.

It is imperative that we as legislators provide the voters of Alaska a direct means by which to change their constitution. In light of the fact that only 5% of the proposed constitutional amendments by the legislature in the past 27 years have gone before the voters, it is clear that the legislature alone will not pass certain amendments that the public desires. The right to initiative by the voter is an inherent tenet of democracy. The Nineteenth Legislature would be responsible in removing the barriers and allowing the voters to exercise this right.

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## SECTIONAL ANALYSIS HJR 4

Authorizing the use of the initiative to amend  
the Constitution of the State of Alaska.

### Section 1

Allows voters to propose and enact constitutional amendments (as well as laws) by the use of initiative.

### Section 2

Makes a technical adjustment to Article XI, sec. 2, of the Alaska Constitution, adding that the application proposing an initiative may contain a constitutional amendment (or a proposed law and/or a referendum).

### Section 3

Adds the proposal of a constitutional amendment as a possible ballot title and proposition and voids the petition if the same amendment was proposed.

### Section 4

Defines the disposition of the proposed constitutional amendment by stating that if a majority of the votes cast favors the amendment, the amendment becomes effective 30 days after the lieutenant governor certifies the election returns. There are also minor verbiage revisions for law and referendum action.

### Section 5

Adds to Article XI, sec. 4, of the Alaska Constitution, that amendments may also be proposed by initiative, as opposed to by the legislature solely.

### Section 6

States that if this resolution passes, it will be placed on the next general election ballot.



# Take the Initiative

Step-by-step tips on how to put  
an issue on the ballot

by Richard Arnold

Last year, the political process seemed to catch the public's fancy for the first time in at least two decades. The phenomenon led to a burst of activity on the initiative front, with a record 69 qualifying for statewide ballots. The emphasis of initiative campaigns also shifted, from high-dollar fund raising to volunteer-driven activities.

In the wake of talk show campaigns, and the Perot movement, far more people are now willing to involve themselves in the making of public policy; they want to have more direct influence over political decisions and are volunteering in record numbers. Many of last year's ballot issue drives collected most of their petition signatures with volunteers, reversing a long-term trend toward the use of private companies and paid canvassers.

These developments call for a reappraisal of strategies for qualifying questions for the ballot, suggested steps are outlined here.

## Three Phases to Weave

Initiative efforts have two preliminary stages, the pre-circulation phase and the circulation phase, before the customary electoral phase begins.

During the pre-circulation phase, the coalition is formed around a specific goal. The laws and ballot rules must be thoroughly researched and understood.

State election agencies will provide information on the number of signatures required, deadlines for filing, petition format, etc. Study the rules and follow them to the letter throughout the campaign. Often, popular initiative movements are kept off the ballot by

the courts, on technical objections.

Once there is agreement on the objective, the exact wording of the initiative must be agreed upon. This complicated task should include the best political and legal advice available. Frequently, focus groups and polls help determine the best way to phrase the initiative in terms of persuading

**Far more people are  
now willing to involve  
themselves in the making  
of public policy.**

voters. Start early! Time is truly money in initiative campaigns.

When we handled the circulation phase for the Colorado Educational Voucher Initiative (CEVI) last year, we had less than 12 weeks to collect about 80,000 raw signatures. The measure — which would have given parents vouchers that could be exchanged for tuition at public, private, or religious schools — was a controversial one, mightily opposed by the teacher organizations. Validation would be sternly contested, and competition for signatures was fierce — 10 issues qualified for the ballot and three others came close.

We ultimately succeeded, using five steps along the way:

**1. Raise Money** — The most successful petition campaigns have financial commitments and a time line already in place before they begin circulating. For the 1990 ballot in Califor-

nia, successful signature campaigns spent an average of \$1.14 per signature. Colorado state law requires nearly 50,000 valid signatures for ballot qualification; because of the difficulty in matching signer qualifications, a general rule of thumb is to get eight raw signatures for every five valid ones required. Therefore, we calculated we needed to collect at least 80,000 raw signatures, which — at a unit cost of \$1.14 — would require a petition budget of about \$92,000. Ultimately, we collected more signatures for less money.

Fortunately, the sponsoring organization, Coloradans for School Choice (CSC), had done all the pre-circulation work prior to contacting me, including raising a significant amount of money. The issue had been attempted in 1984 and 1988 and much of those support networks were still intact.

**2. Print Petitions** — Since the wording had already been completed, the initiative was immediately filed with the secretary of state. A printed copy of the petition must be approved by the secretary of state prior to circulation. As in most states, the approval process takes several weeks. When the petition was finally released for circulation, we had only 58 days to collect 80,000 signatures.

A petition packet should be created that includes petitions, fact sheets, circulator instructions, circulator rights, local contacts, voter registration information, and deadlines.

**3. Establish an Office to Process Signatures** — We established a headquarters that was responsible for planning, coordinating, printing, distribut-

ing, retrieving, processing, validating, storing, and submitting all petitions.

All contacts were placed in the computer. Contact with circulators was direct, in person, by telephone or by fax. Short on money and time, the campaign did only one mailing during the circulation phase.

Because Colorado requires that each petition section be signed by the circulator in front of a notary, it was not possible to get signatures through a mailing. This requirement always makes it harder to get volunteer signatures: the paid circulation unit of our effort simply arranged to have a notary in the office at turn-in times.

Each signature block must be checked at HQ for legal compliance. A small random sample of the signatures should be checked against the voter rolls to determine what percentage are valid registered voters.

#### 4. Plan the Signature Campaign

— On May 5, 1992, we prepared a proposal based on collecting at least 80,000 signatures with volunteers. The mix would be heavier on the paid side because of the limited time available. Most paid signature drives are less expensive and more successful than volunteer efforts, unless you already have a very strong volunteer organization.

An organizing committee should be made up of people who are not only enthusiastic about the issue, but who also wield financial, political or organizational clout. CSC assembled a diverse group of supporters including two state senators, home-schoolers, private school representatives, and church groups.

#### 5. Organize Volunteer Structures

— Volunteers need to be recruited, trained, supervised and rewarded. The best volunteer structures are built around existing organizational units that have a stake in the results. Polling can help identify which groups will make the best recruiting targets. Our plan had three arms: individual volunteers; private schools (including home-schoolers); and churches.

Individual volunteers are the hardest to recruit, supply, and retrieve completed petition sections from. To get the word out, we used an 800 number and disseminated information through talk shows, speaker bureaus, letters to editors, news articles, press conferences, church bulletins, newsletter advertisements, and special interest publications. The process is a slow one. Most of these signatures will come in near the deadline.

Private schools were not as fruitful a source as we had hoped. Classes were no longer in session and not all such schools supported the initiative. Success requires a dedicated volunteer for each school — finding the right person was not easy. Sending packets home with the children had a low rate of return.

There are several steps required to organize churches. Through the use of local and regional church organizations and directories, we were able to contact several congregations at once. We obtained permission from often reluctant churches to have members of their congregations circulate petitions on Sunday morning after the services. Friendly competition between congregations inspired higher signature totals. Ultimately, we circulated about 100 churches. Individuals in rural areas acted as contact people to their local churches, accounting for almost 10,000 signatures.

## Winding Up

On July 3, 1992 — with four weeks remaining in the campaign — we had

## Three Phases of an Initiative

### Pre-Circulation:

- Raise Money
- Research Initiative Procedures
- Form a Coalition Around the Issue
- Poll the Electorate
- Write the Initiative
- Plan the Signature Campaign

### Circulation:

- Raise Money
- Print Petition Sections
- Distribute Petitions
- Contract for Paid Signatures
- Develop Volunteer Structure
- Retrieve Completed Petitions
- Process and Validate Signatures
- Store and Submit Signatures

### Campaign:

- Raise Money
- Poll the Electorate
- Develop and Deliver Message
- Develop Grass Roots Support
- Get Out the Vote
- React and Respond to Opposition

collected just over one-fourth of the 80,000 needed signatures. The paid effort was on target, but with little room for error. The volunteer effort — which had only four weeks to organize — was falling short of projections. The consensus was that we might fall as many as 10,000 signatures short of that goal.

We agreed that we would take steps to both increase the paid signatures by 10,000 and to provide additional money to beef up the staff for the volunteer effort. On Sunday July 12, the volunteer staff was able to target over 20 churches in Denver and Colorado Springs. That was the turning point. Over 5,000 volunteer signatures came in that weekend alone. More importantly, we had recruited enough volunteers and new churches to do even better the next Sunday. The paid effort had also picked up steam, collecting over 12,000 signatures that week, bringing the paid total to 40,000.

After a second big weekend, the effort was cut off a full week early on Monday, July 27. We had collected over 91,000 signatures in seven weeks — 41 percent from volunteers. The total cost for the drive was just over \$80,000. Paid signatures cost \$44,000, an average of 82¢ per signature. Volunteer signatures cost \$33,000, an average of 90¢ per signature. The remainder of the budget was spent on printing the petition sections.

## The Gallows Poll

Our short circulation time frame had forced us to take drastic measures, such as putting more money into the signature effort than originally planned. But while the additional money spent in gathering signatures could have been used to help win the election, there would have been no election if we had fallen short of valid signatures.

Hamstrung by a lack of funds in the voter persuasion phase and hammered by the teacher unions, CEVI was turned back at the polls by nearly a 2:1 ratio. The phrasing of the initiative also proved to be a burden, as its opponents were successful in gaining credence for the notion it would cost the state \$70 million in its first year — an obvious problem in this age of shrinking budgets.

*Richard Arnold is president of National Voter Outreach — a California-based political consulting firm.*

THE VOTER INITIATIVE

By Tommy Neal

Initiative, referendum and recall are political terms that to some signify the ultimate in democracy and to others a repudiation of our representative system of government.

- The **initiative** enables citizens to bypass the legislature by placing proposed statutes and, in some states, constitutional amendments on the ballot.
- The **referendum** provides for a popular vote on laws that have been enacted by the legislature.
- The **recall** allows citizens to remove elected officials from office.

*The initiative has a long history.*

In the United States, the initiative, referendum and recall movement can be traced directly to the populist and progressive eras of the late 19th and early 20th centuries when state governments were perceived to be controlled by special interests, such as railroads, bankers, land speculators and "robber barons." Given its populist roots, the initiative has been primarily a western innovation—16 of the 24 initiative states are west of the Mississippi.

Discussions of direct citizen involvement in government usually include all three processes. This brief, however, focuses only on the initiative as it applies to state government. The terms "initiative" and "referendum" are sometimes used interchangeably, which is inaccurate. Initiatives propose legislation or constitutional amendments independently of the legislature. The referendum refers only to approval or rejection of legislation that has already been enacted by the legislature. Referenda can be placed on the ballot by the legislature or by a petition process similar to that for initiatives.

*The initiative allows the public to bypass the legislature.*

Proponents of the initiative maintain that the process provides a method for making decisions on public policy issues that the legislature refuses to address or on which it is unable to reach agreement. It is also argued that the initiative provides a counterbalance to the influence of special interests in the legislative process—an influence that, in the public's perception, is often excessive.

**Initiative States  
Ranked in Order of Use, 1898-1992**

State	Year Initiative Adopted	Number on Ballot Since Adoption
Oregon	1902	274
California	1911	232
North Dakota	1914	160
Colorado	1910	150
Arizona	1910	133
Washington	1912**	91
Arkansas	1909	80
Oklahoma	1907	79
Missouri	1906	60
Ohio	1912	58
Montana	1904	56
Michigan	1908	54
South Dakota	1898	42
Massachusetts	1918	41
Nebraska	1912	35
Nevada	1904	27
Maine	1908**	27
Alaska	1959**	22
Idaho	1912**	17
Utah	1900**	16
Florida	1972*	12
Illinois	1970*	4
Wyoming	1968**	3
Mississippi	1992*	0

\* Applies only to constitutional amendments.

\*\* Applies only to statutes.

A major argument against the initiative is that it undermines our system of representative government. Legislators are elected to represent their constituents in the consideration of public policy questions. And the electorate has an opportunity, at the polls, to approve or reject the actions of the legislator who represents them. With the money now needed to qualify a ballot question, it is also said that, contrary to the original intent, the initiative can become a tool of special interests.

*Initiatives may undermine representative government.*

There are two types of initiatives—direct and indirect. In the direct process, proposals that qualify go directly on the ballot. In the indirect process, they are submitted to the legislature, which has an opportunity to act on the proposal. Amendments or substitute measures are allowed in some states; prohibited in others. The legislature is given varying lengths of time to act on a proposal and—depending on the state—the initiative goes to the ballot if the legislature rejects it, submits a different proposal or takes no action. States with some form of the indirect process are MAINE, MASSACHUSETTS, MICHIGAN, MISSISSIPPI, NEVADA and OHIO (the last two for statutory proposals, but not for constitutional amendments). Two states—UTAH and WASHINGTON—allow proponents to use either method. SOUTH DAKOTA requires initiatives to be submitted to the Legislature, where they must be enacted and referred to the voters at the next general election.

*There are direct and indirect initiatives.*

No two states have exactly the same requirements for qualifying initiatives. In general, however, the process includes these steps: preliminary filing of a proposed petition with a designated state official; review of the petition for conformance with statutory requirements and, in several states, a review of the language of the proposal; preparation of a ballot title and summary; circulation of the petition to obtain the required number of signatures—usually a percentage of the votes cast for a statewide office in the preceding general election; and, finally, submission to the state elections official (normally the secretary of state), who is responsible for verifying the number of valid signatures obtained.

*There are 24 variations of the initiative process.*

Central to the whole process, obviously, is getting the requisite number of valid signatures. Early proponents of the initiative foresaw the requirement for circulating petitions as a demonstration of widespread public support for a proposal: The petitions would be circulated by informed citizens concerned about public policy questions that were not being addressed by the legislature. While that may still be the case in some instances, many petition drives now are highly organized, professional campaigns employing paid circulators. In CALIFORNIA, and other states, the essential ingredient for qualifying an initiative for the ballot is money. It has been estimated that in California an expenditure of \$1 million will guarantee a place on the ballot. Only two initiatives in California have spent more than \$500,000 and not qualified. The right to pay circulators has been upheld by the U.S. Supreme Court (*Meyer vs. Grant*).

*Money helps get initiatives to the ballot.*

Once an initiative is on the ballot, the general requirement for passage is a majority vote. Exceptions include NEBRASKA, MASSACHUSETTS and MISSISSIPPI. Those states require a majority, provided the votes cast on the initiative equal a percentage of the total votes cast in the election (35 percent in Nebraska, 30 percent in Massachusetts, and 40 percent in Mississippi). WYOMING requires "an amount in excess of 50 percent of those voting in the preceding general election." An initiated constitutional amendment in NEVADA must receive a majority vote in two successive general elections.

### Selected References

- California Commission on Campaign Financing. *Democracy by Initiative: Shaping California's Fourth Branch of Government*. Los Angeles, Calif.: Center for Responsive Government, 1992.
- Congressional Research Service. *Initiative, Referendum and Recall: A Resume of State Provisions*. Washington, D.C.: Library of Congress, March 1981.
- Cronin, Thomas E. *Direct Democracy: The Politics of Initiative, Referendum, and Recall*. Cambridge, Mass.: Harvard University Press, 1989.
- Public Affairs Research Institute of New Jersey. "Initiative and Referendum Analysis." Princeton, N.J., 1992.

### Contact for More Information

Tommy Neal  
NCSL—Denver  
(303) 830-2200



**FISCAL NOTE**

**STATE OF ALASKA**

**BILL NO. HJR 4**

**1995 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_

Department Affected: Office of the Governor

Title: Amendment to the Constitution RE: Authorizing the use of the initiative to amend the Constitution of the State of Alaska.

BRU: Division of Elections

Component: General and Primary Elections

Sponsor: Representative Martin

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 22

**EXPENDITURES/REVENUES:**

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	2.2*	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>2.2*</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>REVENUE FUND SOURCE:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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FUNDING:						
1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	2.2*	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>2.2*</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:						
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY95) impact: 0

**ANALYSIS:** (Attach a separate page if necessary.) \*This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4.

Prepared by: David Konvuniemi, Acting Director Phone: 465-4611  
 Division: Division of Elections Date: 1/25/95

Approved by Commissioner: Lt. Governor Fran Ulmer  
 Agency: Office of the Lt. Governor Date: \_\_\_\_\_

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**State Affairs Committee meets this  
Thursday the 26th to hear:**

HJR 4 Use of initiative to amend Constitution

HB 44 Gaming proceeds/define charitable  
organizations

HB 81 Preservation of Public facilities

**Bills previously heard**

HJR 3 Voter approval of new taxes

HB 4 Permanent fund dividend eligibility

HB 70 End PFD hold harmless

**Passed out Tuesday**

HB 42 Absentee voting and use of fax

AMENDMENT # 1 by Rep OGAN  
LINE 17 PG 2.

B IF A 2/3 majority.

ADD THE WORDS 2/3

**FISCAL NOTE**

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TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	2.2*	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>2.2*</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>REVENUE FUND SOURCE:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**FUNDING:**

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	2.2*	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>2.2*</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

<b>FULL-TIME</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>PART-TIME</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TEMPORARY</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of current year (FY95) impact: 0

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