

HJR 25

/

HB 213

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 8, 2002

FURTHER REFERRALS: Finance

Date of Committee Action: 2-27-02

The JUDICIARY Committee considered:

HB 213

HOUSE BILL NO. 213

INITIATIVE/REFERENDUM PETITIONS

"An Act relating to initiative and referendum petitions; and providing for an effective date."

Recommends it be replaced with CS _____ () [] Same Title [] New Title
For Senate Bills with new title: [] Technical Title [] New Title: HCR _____

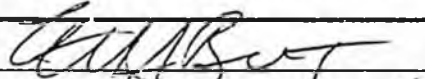
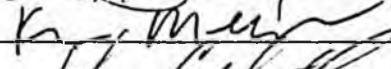
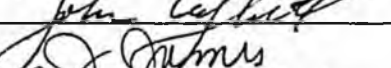
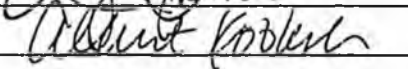
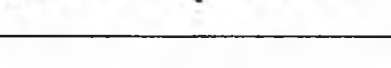
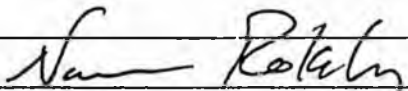

- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

List of Abbrev. for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LAA
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
GOV	1	-		✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Berkowitz		✓		
	Mayer			✓	
	Cochett	✓			
	JAMES	✓			
	Kooker	✓			
Chair: 	Rokob	✓			
Chair: 	Rokob	✓			

Alaska State Legislature

Co-Chair
House Finance Committee
Subcommittee Chair
Environmental Conservation
Courts



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State Capitol
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Representative William K. Williams

Sponsor Statement for HB 213/HJR 25 Initiative Petitions

Contact: Randy Ruaro, Aide to Representative Bill Williams, at (907) 465-2812

"An act relating to initiative and referendum petition; and providing for an effective date"

House Bill 213 / House Joint Resolution 25 ("HB 213 / HJR 25") were introduced to ensure statewide consideration and discussion of an initiative petition. The legislation requires a minimum amount of broad geographic support for the submission of an initiative petition to the people of the State of Alaska. HB 213 / HJR 25 would change existing law and require the following before an initiative petition can be submitted to the people:

- * the initiative sponsor to gather signatures from at least 3/4 of the house districts of the State of Alaska as opposed to 2/3 of the house districts; and
- * the number of signatures in each house district would have to equal at least seven percent of the number of voters in that house district who voted in the last general election.

In past elections the greatest support for initiatives has come from one general area of the State, the Anchorage-Mat-Su region. Alaska's population distribution is much different now than it was when our Constitution was approved. Today, initiative supporters could, in theory, collect a large majority of the total signatures needed in a limited area such as Anchorage and only one to two signatures in other house districts and succeed in getting an issue on the ballot as an initiative.

As we write laws in the Capitol many perspectives are taken into account as issues are discussed through the committee process and public hearings are held. During this process, healthy debate, from representatives and citizens from all over the state is conducted. Pertinent questions are asked and legislation is constantly amended to take into account those concerns.

HB 213 / HJR 25 is an attempt to mandate fairness and open debate in the initiative process for all citizens in the State of Alaska.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 213
(H) Publish Date: 2/8/02

Revision Date/Time (Note if correction): _____ Dept. Affected: GOV
Title An Act relating to initiative and BRU Elections
referendum petitions Component Elections
Sponsor Representative Williams
Requester House State Affairs Committee Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	0.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gail Fenuniai, Election Administrative Supervisor Phone 465-3935
Division: Division of Elections Date/Time 1/31/02 3:39 PM
Approved by: Lieutenant Governor Fran Ulmer Date 01/31/2002
Agency: Office of the Lieutenant Governor

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HJR 25
 (H) Publish Date: 2/8/02

Revision Date/Time (Note if correction): _____ Dept. Affected: GOV
 Title Constitutional amendment relating BRU Elections
to initiative and referendum petitions Component Elections
 Sponsor Representative Williams
 Requester House State Affairs Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing of an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumiai, Election Administrative Supervisor Phone 465-3935
 Division Division of Elections Date/Time 1/31/02 3:33 PM
 Approved by: Lieutenant Governor Fran Ulmer Date 01/31/2002
 Agency Office of the Lieutenant Governor

The Constitution of the State of Alaska

Adopted by the Constitutional Convention
February 5, 1956

Ratified by the People of Alaska
April 24, 1956

Became Operative with the Formal
Proclamation of Statehood
January 3, 1959

Table of Contents

ARTICLE

- Preamble
- I Declaration of Rights
- II The Legislature
- III The Executive
- IV The Judiciary
- V Suffrage and Elections
- VI Legislative Apportionment
- VII Health, Education and Welfare
- VIII Natural Resources
- IX Finance and Taxation
- X Local Government
- XI Initiative, Referendum, and Recall
- XII General Provisions
- XIII Amendment and Revision
- XV Schedule of Transitional Measures
 - Ordinance No. 1
 - Ordinance No. 2
 - Ordinance No. 3

Preamble

We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do ordain and establish this constitution for the State of Alaska.

Article I

Declaration of Rights

Section 1. Inherent Rights. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment

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shall review their activities, collect and publish local government information, and perform other duties prescribed by law.

Cross references. — The agency established in the executive branch to advise and assist local governments is the Department of Community and Regional Affairs (AS 44.47).

NOTES TO DECISIONS

Stated in *Walters v. Cease*, 394 P.2d 670 (Alaska 1964).

Section 15. Special Service Districts. Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law.

Article XI

Initiative, Referendum, and Recall

Section 1. Initiative and Referendum. The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

Cross references. — For restrictions on initiatives, see Alaska Const., art. XI, § 7.

Opinions of attorney general. — An initiative may be used to repeal a law since to read this section means to sever the power to repeal from the initiative, thus eliminating popular votes on previous initiatives, on statutes not subject to referendum, i.e., those for which the time limit has passed, and on parts of statutes as opposed to an entire enactment, is illogical given the very intent, subject to express exceptions, to vest the voting public with legislative power equal to the legislature's power. April 14, 1975 Op. Att'y Gen.

In the context of this article, the referendum has a restricted scope of operation: First, a referendum may only reject "acts of the legislature" and not acts by initiative; second, a referendum may address only acts passed by an immediately preceding legislative session; and third, a referendum may reject only entire acts of the legislature and not sections thereof. Thus, unless a law sought to be rejected falls within the ambit of the "acts" described, a referendum is unavailable. April 14, 1975, Op. Att'y Gen.

The word "act," as used in the referendum provisions of this article, refers to an entire act of the legislature and not to sections of acts. 1963 Op. Att'y Gen. No. 18.

The referendum is a veto power analogous to the veto power vested in the governor by Alaska Const., art. II, § 15. 1963 Op. Att'y Gen. No. 18.

The referendum and the veto power serve similar functions in legislative process; hence, the limitations of one apply to the other except as distinctions are specified in the constitution. 1963 Op. Att'y Gen. No. 18.

The purpose of the veto is to prevent the adoption of the undesirable legislation; the veto power is not a power to change the effect of proposed laws or to do anything concerning them except to approve or disapprove them as a whole. 1963 Op. Att'y Gen. No. 18.

The veto power may be exercised only against entire bills, and it may not be exercised upon sections of bills except in the case of appropriation bills. 1963 Op. Att'y Gen. No. 18.

Were the referendum interpreted as extending to sections of act, its avowed purpose to approve or disapprove acts would be frustrated. It would in many cases result in exactly that which it is not intended to do. It would change the effect of a proposed law, and frustrate the legislative purpose. 1963 Op. Att'y Gen. No. 18.

NOTES TO DECISIONS

- I. General Consideration.
- II. Initiative.
- III. Referendum.

I. GENERAL CONSIDERATION.

Liberal construction. — In matters of initiative and referendum, the people are exercising a power reserved to them by the constitution and laws of the State, and the constitutional and statutory provisions under which they proceed should be liberally construed. *Municipality of Anchorage v. Frohne*, 568 P.2d 9 (Alaska 1977).

The right of initiative and referendum, sometimes

referred to as direct legislation, should be liberally construed to permit exercise of that right. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

Scope of initiative power. — The people's power to enact legislation by initiative is not greater than that of the legislature. *Alaskans for Legislative Reform v. State*, 887 P.2d 960 (Alaska 1994).

Section does not apply to appropriations. — The Alaska Constitution withdraws from the people the right to initiative and referendum with respect to

appropriations. *Municipality of Anchorage v. Frohne*, 568 P.2d 3 (Alaska 1977).

Applied in *Walters v. Cease*, 394 P.2d 670 (Alaska 1964).

Quoted in *Alaska Conservative Political Action Comm. v. Municipality of Anchorage*, 745 P.2d 936 (Alaska 1987); *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991).

Cited in *Shettlers v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

II. INITIATIVE.

The initiative may be used only to enact laws. *Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962).

And not for the purpose of constitutional amendment. — See *Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962).

The subject of the initiative must constitute such legislation as the legislative body to which it is directed has the power to enact. *Municipality of Anchorage v. Frohne*, 568 P.2d 3 (Alaska 1977).

Single subject standard is enacted at AS 15.45.040 with respect to initiatives; whether this limitation is within the legislature's power under Alaska Const., art. XI, is questionable; but Alaska Const., art. XII, § 11, makes the law making power equal, and the restriction in Alaska Const., art. II, § 13, therefore, applies to initiatives. *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985).

Section 2. Application. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the lieutenant governor. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

Effect of amendments. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2 (1970)), substituted "lieutenant governor" for "secretary of state" in the second sentence.

Opinions of attorney general. — The intent of this section is obviously to insure that the proposed initiative or referendum has some substantial support before the state is subjected to the expense involved in printing of formal petitions regarding the measure. 1963 Op. Att'y Gen. No. 17.

This article is rather unique in that it provides for two separate stages in the preparing of an initiative or referendum for submission to the electorate. Before circulating a petition, the proponents of an initiative or referendum must first circulate an application "containing the bill to be initiated or the act to be referred" and obtain the signatures of not less than one hundred qualified voters as sponsors of the application. 1963 Op. Att'y Gen., No. 17.

The state legislature has interpreted and implemented this section by passing a statute (AS 15.45.270) requiring the application for a referendum petition to include the act to be referred. 1963 Op. Att'y Gen. No. 17.

The constitution does not permit a summary of an act to be substituted for a copy of the act in the application. 1963 Op. Att'y Gen. No. 17.

The word "form" is the antithesis of the word "substance." Substance is that which is essential in content and goes to the merits of the issue. Substance pertains to matters which affect the basic rights of

Subject matter of wildlife management is not clearly inapplicable to the initiative process, based upon the language and history of the constitutional provisions regarding the initiative process. *Brooks v. Wright*, 971 P.2d 1025 (Alaska 1998).

Prohibiting use of wolf trap snares. — Since the legislature does not have exclusive law-making powers over natural resources issues merely because of the state's management role over wildlife set forth in Alaska Const., art. VIII, the issue of prohibiting the use of snares to trap wolves is not clearly inapplicable to the initiative process. *Brooks v. Wright*, 971 P.2d 1025 (Alaska 1998).

III. REFERENDUM.

Referendum does not suspend effect of act.

The natural import of the provisions of this article and art. II of the Alaska Constitution is that the filing of a referendum petition does not suspend the effect or operation of the act referred. *Walters v. Cease*, 394 P.2d 263 (Alaska 1964).

Rejected act remains in effect for thirty days after certification of election returns. — If an act is rejected by the people in a referendum election, it nevertheless remains in full force and effect until thirty days after certification of the election returns by the secretary of state (now lieutenant governor). *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

parties. 1959 Op. Att'y Gen. No. 35.

The requirement that the lieutenant governor certify as to the form of the application under this section would be meaningless if the general provisions of Alaska Const., art. II, § 13 did not apply. There would be nothing to certify to since the article on initiative sets out no particular form of an initiative. 1959 Op. Att'y Gen. No. 36.

The lieutenant governor acts in a ministerial capacity. 1959 Op. Att'y Gen. No. 35.

The lieutenant governor can make such inquiry and investigation as to the voting qualifications of individual signers of an initiative application as appears reasonably necessary in his discretion, but he may look only at form and not the substance of an application. 1959 Op. Att'y Gen. No. 35. But see *Boucher v. Engstrom*, 528 P.2d 456 (Alaska 1974), cited below.

The application for referendum petition submitted was not in proper form and it was necessary for the proponents of the measure to prepare an application containing the text of ch. 52, SLA 1963, and secure the necessary number of signatures to this application before they could validly prepare a petition for circulation under Alaska Const., art. XI, § 3. 1963 Op. Att'y Gen. No. 17.

Where ch. 52, SLA 1963, contained seven sections affecting many different sections of the Alaska Statutes, it was not adequately described by the words "legislation enacted by the last legislative assembly pertaining to the formation of mandatory boroughs in the State of Alaska." 1963 Op. Att'y Gen. No. 17

NOTES TO DECISIONS

Quoted in *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).
 Stated in *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Cited in *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991); *Shetters v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

Section 3. Petition. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the house districts of the State, it may be filed with the lieutenant governor.

Cross references. — See note to Alaska Const., art. XI, § 2.

Effect of amendment. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2 (1970)), substituted "lieutenant governor" for "secretary of state" in the first and second sentences.

Effect of amendment. — The amendment effective January 3, 1999 (20th Legislature's SCS CSHJR 44(JUD)), substituted "house districts" for "election districts" in the last sentence.

Opinions of attorney general. — An initiative petition which, on its face, is seen to contain an insufficient number of signatures may not be filed and later supplemented to cure the deficiency. February 1, 1984 Op. Att'y Gen.

An initiative petition must be sufficient on its face before it may be accepted for filing, i.e., it must have the requisite number of purportedly valid signatures before it may be filed in the office of the attorney general; a petition deficient in this respect should be returned to the sponsors. February 1, 1984 Op. Att'y Gen.

AS 15.45.170 authorizes a supplementary petition, but that privilege is afforded only when a petition, believed to contain a sufficient number of signatures of qualified voters, is later found to contain signatures of persons who are not qualified voters; in such a case, the latent defect of numbers may be cured, but where the defect is patent, the petition may not be accepted for filing. February 1, 1984 Op. Att'y Gen.

NOTES TO DECISIONS

Sufficiency of summary. — In preparing summary of subject matter of proposed bill, the lieutenant governor is entitled to rely on the premise that readers of the summary understand that in the absence of explicit language to the contrary, state initiatives are intended to change state law and bind the state government, not federal law and the federal government, thus he need not give "special" reminders to the voters regarding the scope of a state initiative. *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Summary's prediction as to proposed bill's effect was amply supported by text of bill, consequently the summary's use of the language "would prevent" was neither misleading nor inaccurate. *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Quoted in *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

Cited in *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985); *Shetters v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

Section 4. Initiative Election. An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

Effect of amendments. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2(1970)), substituted "lieutenant governor" for "secretary of state" in the second sentence.

Opinions of attorney general. — An initiative

petition must be filed before the start of the legislative session in order to be presented to the electorate at the first state-wide election held 120 or more days after the conclusion of that session. February 1, 1984 Op. Att'y Gen.

NOTES TO DECISIONS

This section must be interpreted broadly and not narrowly as to the scope of legislative power. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Purpose of amending section prior to its adoption. — As originally introduced, this section provided that laws proposed by the initiative shall be submitted to the voters "at an election not later than 180 days after the adjournment of the legislative session

following the filing of the petition." This proposal was amended before adoption to read as it does now. The purpose of the amendment, as explained by one of its sponsors, was to do away with the high costs of special elections for such matters (estimated at \$40,000), by requiring that the initiative proposition go on the ballot at a statewide election, whether it be primary or a general election or a special election called for some

other purpose. *Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962).

Placement on statewide election ballot. — An initiative proposition may be placed on the ballot for the first available statewide election held more than 120 days after adjournment of the legislative session following its filing because of special circumstances. *Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962).

This section was not designed with the objective of depriving the people of the right to vote if by reason of circumstances, such as an injunction preventing the secretary of state [now lieutenant governor] from placing an initiative proposition on the ballot, it became impossible to submit the proposition at the "first" statewide election held within the prescribed time. *Starr v. Hagglund*, 374 P.2d 316 (Alaska 1962).

The words "substantial" or "substantially" are relative, inexact terms. Their meaning is quite elusive. The meaning of such terms can be derived only by reference to all the circumstances surrounding the context in which they are used. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

The term "substantially the same measure" must be viewed against the total structure contemplated in this article in the matter of direct legislation. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

When substantial similarity exists. — If in the main the legislative act achieves the same general purpose as the initiative, if the legislative act accomplishes that purpose by means or systems which are fairly comparable, then substantial similarity exists. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

It is not necessary that the two measures correspond in minor particulars, or even as to all major features, if the subject matter is necessarily complex or if it requires comprehensive treatment. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Legislative discretion. — It is clear that the legislative act need not conform to the initiative in all respects, and that the framers intended that the legislature should have some discretion in deciding how far the legislative act should differ from the provisions of the initiative. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

The broader the reach of the subject matter, the more latitude must be allowed the legislature to vary from the particular features of the initiative. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Section 5. Referendum Election. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The lieutenant governor shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

Effect of amendments. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2(1970)),

Legislature may vary terms of initiative by amendment. — The constitution vests broad authority in the legislature to vary the terms of an initiated law, after its adoption, by the process of amendment. This power amounts to a check or balance against the initiative process. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

And by enactment covering same subject as initiative. — If the legislature has broad power of amendment, it follows that it has broad power to change an initiative by an enactment covering the same subject as the initiated measure. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Determining whether act and initiative are "substantially the same." — This section does not expressly confer on any branch or agency the power to determine whether an act and an initiative are "substantially the same." *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Power of legislature to enact method for such determination. — This section and Alaska Const. art. V, § 3, and art. XII, § 11, when read in harmony, give the legislature the power to enact a method of determining whether an act and an initiative are "substantially the same," as used in this section. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

AS 15.45.210 enacted to effectuate this section. — Alaska Statute 15.45.210, delegating authority to the lieutenant governor to determine whether an act and an initiative are substantially the same, was enacted to effectuate this section. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

The delegation of power in AS 15.45.210 is both reasonable and constitutional. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Delegation to the lieutenant governor of the authority to determine whether an act and an initiative are substantially the same is based on sound, practical considerations, is to a logical governmental officer, and is definitionally narrow. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Quoted in *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Cited in *Walters v. Cease*, 388 P.2d 263 (Alaska 1964); *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985); *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991); *Shettlers v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

NOTES TO DECISIONS

Act may be effective several months prior to commencement of 90-day period. — An act of the legislature with an immediate effective date could conceivably be signed into law early in a legislative session, and would be in actual operative effect for

several months prior to the commencement of the 90-day period in which a petition for referendum may be filed under this section. *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

Section 6. Enactment. If a majority of the votes cast on the proposition favor it,

adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The lieutenant governor shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

Effect of amendments. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2(1970)), substituted "lieutenant governor" for "secretary of state" near the beginning of the third sentence.

Opinions of attorney general. — The constitutional specification as to effective date is plain on its face. An initiative becomes effective 90 days after the date on which the lieutenant governor certifies the election returns approving it. August 19, 1975 Op. Att'y Gen.

Only repeal is prohibited by the state constitution, not amendments. August 19, 1975 Op. Att'y Gen.

The legislature could amend the capital move initiative, initiative No. 1, at any time to alter or delete: (1) the requirement that the capital site contain no less than 100 square miles of state land or lands available to the state at no cost and (2) the requirement that the site selected be more than 30 miles from Anchorage or Fairbanks. August 19, 1975 Op. Att'y Gen.

NOTES TO DECISIONS

Legislature may vary terms of initiative by amendment. — The constitution vests broad authority in the legislature to vary the terms of an initiated law, after its adoption, by the process of amendment. This power amounts to a check or balance against the initiative process. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

The legislature is vested with broad authority to amend laws enacted by the people through the initiative process. *Warren v. Thomas*, 568 P.2d 400 (Alaska 1977).

And by enactment covering same subject as initiative. — If the legislature has broad power of amendment, it follows that it has broad power to change an initiative by an enactment covering the same subject matter as the initiated measure. *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

What constitutes repeal. — Amendments to an initiated law that only reduced the penalties for violation of the law and clarified some of the language did not constitute a repeal of the initiated law. *Warren v. Thomas*, 568 P.2d 400 (Alaska 1977).

AS 15.45.440 adopted almost verbatim the lan-

guage of this section for establishing the time when an act rejected by referendum shall become void. *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

Act not suspended between its effective date and its rejection by referendum. — In the light of the clear wording of this section and Alaska Const., art. II, §§ 17 and 18, the framers of the constitution and the people who adopted it intended that the effectiveness of an act passed by the legislature should not be suspended during the period between its effective date and its rejection by the referendum. If they had intended otherwise they would have expressly so provided in the constitution. *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

Procedures for placement of initiative on election ballot. — See *Boucher v. Engstrom*, 528 P.2d 456 (Alaska 1974), overruled on other grounds, *McAlpine v. University of Alaska*, 762 P.2d 1 (Alaska 1988).

Applied in *State ex rel. Hammond v. Allen*, 625 P.2d 844 (Alaska 1981).

Cited in *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991); *Shettlers v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

Section 7. Restrictions. The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

Cross references. — For restrictions on the form of bills, see art. II, § 13 of this constitution.

Opinions of attorney general. — Authorizing

school service areas to submit their budgets to the people by referendum would violate this section. 1961 Op. Att'y Gen. No. 24.

NOTES TO DECISIONS

- I. General Consideration.
- II. Appropriations.
- III. Local or Special Legislation.

I. GENERAL CONSIDERATION.

Strict compliance required. — The restrictions of this section are important conditions on the initiative right that require strict compliance. *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991).

Subject cannot exceed authority of legislature. — The subject of the initiative must constitute such legislation as the legislative body to which it is directed has the power to enact. *Municipality of Anchorage v. Frohne*, 568 P.2d 3 (Alaska 1977).

Initiative and referendum restricted to ordinances. — The power of both initiative and referendum is restricted to legislative ordinances, and does not extend to administrative measures. *Wolf v. Alaska State Hous. Auth.*, 514 P.2d 233 (Alaska 1973).

Matter subject to review is also subject for initiative. — If the subject matter of an ordinance were properly subject to popular review, then it also would be a proper subject for popular initiative. *Wolf v. Alaska State Hous. Auth.*, 514 P.2d 233 (Alaska 1973).

Initiative attempting to alter or supplement existing court rules. — Lieutenant governor properly denied certification of an initiative that would have set maximum allowable levels of attorney's fees in personal injury cases, where the initiative constituted an attempt to prescribe a rule of court in violation of this section and would have altered or supplemented existing court rules regulating contingent fees. *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991).

Applied in *Warren v. Boucher*, 543 P.2d 731 (Alaska 1975).

Quoted in *Walters v. Cease*, 388 P.2d 263 (Alaska 1964); *Abrams v. State*, 534 P.2d 91 (Alaska 1975); *City of Fairbanks v. Fairbanks Convention & Visitors Bureau*, 818 P.2d 1153 (Alaska 1991).

Cited in *Thomas v. Bailey*, 611 P.2d 536 (Alaska 1980); *Shetters v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

II. APPROPRIATIONS.

Appropriation purpose prohibited. — The language of this section prohibits initiatives for the purpose of making appropriations. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

General wording of appropriation limitation. — Though most state constitutions with referendum and initiative provisions have some limitation relating to appropriations, Alaska's appropriation limitation is worded more generally than that of most other states. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

By the term "appropriations," this section prohibits an initiative whose primary object is to require the outflow of state assets in the form of land as well as money. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

"Appropriations" includes statutes that set aside a specific amount of lands and direct it be given away in the manner required by a 1978 initiative, entitled "The Alaska Homestead Act," which gave away to any resident of three or more years who would conduct a survey, file two papers, and pay a nominal filing fee public assets in the form of state land, and which imposed no obligations on the applicant after he or she received the land. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

Alaska Homestead Act held appropriations initiative. — The law proposed by a 1978 initiative entitled "The Alaska Homestead Act" was, for pur-

poses of this section, a law making an appropriation and, therefore, an illegitimate subject for initiative. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

A 1978 initiative entitled "The Alaska Homestead Act" would have substantially depleted the state government of valuable assets just as surely as an initiative allotting to residents of specified years large sums of money. In the same manner, it constituted an appropriation and hence could not be enacted by initiative. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

The fact that a survey might be costly did not change the essential nature of a 1978 initiative entitled "The Alaska Homestead Act" as an appropriations initiative. The applicant would have paid the surveyor; no compensation or service was rendered to the state. The stated purpose and effect of the initiative on the state treasury would still be an expenditure of state assets in the form of public lands. *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979).

Sale of municipal utility for one dollar. — An initiative which would require a municipality to sell a municipally-owned utility to a private nonprofit cooperative corporation for one dollar violated this section because it would make an appropriation. *Alaska Conservative Political Action Comm. v. Municipality of Anchorage*, 745 P.2d 936 (Alaska 1987).

Provision transferring property between university systems. — The term "appropriation" includes the setting aside of property other than money. Hence, the provision in an initiative transferring from the University of Alaska to the community college system of Alaska such real and personal property as was necessary to the independent operation and maintenance of the community college system, could be deemed to be an appropriation and, therefore, violative of this section. *McAlpine v. University of Alaska*, 762 P.2d 81 (Alaska 1988).

Although laws which merely create new government programs or liabilities do not constitute appropriations, the provision of an initiative which transferred funds from the University of Alaska to the community college system of Alaska was an appropriation, since it designated the use of state assets in a manner which was executable, mandatory, and reasonably definite with no further legislative action. *McAlpine v. University of Alaska*, 762 P.2d 81 (Alaska 1988).

Initiative to set priorities among different salmon harvest users. — Salmon are public assets of the state which may not be appropriated by initiative, and an initiative to require the Board of Fisheries, after providing for the biological escapement needs of Alaska's salmon stocks, to reserve a priority for the harvest needs for each particular salmon stock of personal use, sport, and subsistence fisheries prior to allocating any portion of the harvestable surplus to commercial fisheries was an appropriation of state assets in violation of this provision, as well as AS 15.45.010. *Pullen v. Ulmer*, 923 P.2d 54 (Alaska 1996).

III. LOCAL OR SPECIAL LEGISLATION.

This section expressly exempts "local or special legislation" from both the initiative and the referendum. *Wolf v. Alaska State Hous. Auth.*, 514 P.2d 233 (Alaska 1973).

Mandatory Borough Act not subject to referendum. — Being local and special legislation, ch. 52 SLA 1963 (Mandatory Borough Act), is not subject to the referendum provision of this article. *Walters v. Cease*, 394 P.2d 670 (Alaska 1964).

Chapter 52, SLA 1963 (Mandatory Borough Act), is both local and special legislation because it applies only to a limited number of geographical areas, rather than being widespread in its operation throughout the state, and because its method for incorporating organized boroughs is peculiar to the few selected localities where it is applicable. *Walters v. Cease*, 394 P.2d 670 (Alaska 1964).

(Proposed Amendment).

Section 7. Restrictions. The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, permit, regulate, or prohibit the taking or transportation of wildlife, prescribe seasons or methods for the taking of wildlife, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

Editor's notes. — This amendment was proposed by 2000 Legislative Resolve 48, and will be voted upon at the general election to be held in November, 2000.

Section 8. Recall. All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

NOTES TO DECISIONS

Stated in *McCormick v. Smith*, 793 P.2d 1042 (Alaska 1990); *Von Stauffenberg v. Committee for an Honest & Ethical Sch. Bd.*, 903 P.2d 1055 (Alaska 1995).

Article XII

General Provisions

Section 1. State Boundaries. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, included in the Territory of Alaska upon the date of ratification of this constitution by the people of Alaska.

Section 2. Intergovernmental Relations. The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose.

Section 3. Office of Profit. Service in the armed forces of the United States or of the State is not an office or position of profit as the term is used in this constitution.

NOTES TO DECISIONS

Meaning of phrase "position of profit". — See *Begich v. Jefferson*, 441 P.2d 27 (Alaska 1968).

Section 4. Disqualification for Disloyalty. No person who advocates, or who aids or belongs to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State shall be qualified to hold any public office of trust or profit under this constitution.

Section 5. Oath of Office. All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the

Alaska State Legislature

Co-Chair
House Finance Committee
Subcommittee Chair
Environmental Conservation
Courts



Representative William K. Williams

During Session:
State Capitol
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(907) 465-3424
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January 27, 2002

Representative John Coghill
Chairman, House State Affairs Committee
Room 102A, State Capitol
Juneau, Alaska 99801

Re: HB 213 / HJR 25

Dear Representative Coghill:

Enclosed are two documents I would like added to the packet of materials for the hearing on February 7, 2002. The first document relates to similar legislation requiring a geographic distribution of initiative petition signatures in the Washington Legislature. The second document is a spreadsheet showing recent initiative activity. Thank you.

Sincerely,

Bill
Representative Bill Williams

SUBSTITUTE SENATE JOINT RESOLUTION 8206

State of Washington 57th Legislature 2001 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Hargrove, McDonald, Jacobsen, Long, Costa, Regala, Snyder, Winsley, T. Sheldon, Gardner, McCaslin, Morton, Haugen, Rasmussen, Hochstatter, Honeyford, Oke and McAuliffe)

READ FIRST TIME 02/20/01.

1 BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3 THAT, At the next general election to be held in this state the
4 secretary of state shall submit to the qualified voters of the state
5 for their approval and ratification, or rejection, an amendment to
6 Article II, section 1 of the Constitution of the state of Washington to
7 read as follows:

8 Article II, section 1. The legislative authority of the state of
9 Washington shall be vested in the legislature, consisting of a senate
10 and house of representatives, which shall be called the legislature of
11 the state of Washington, but the people reserve to themselves the power
12 to propose bills, laws, and to enact or reject the same at the polls,
13 independent of the legislature, and also reserve power, at their own
14 option, to approve or reject at the polls any act, item, section, or
15 part of any bill, act, or law passed by the legislature.

16 (a) Initiative: The first power reserved by the people is the
17 initiative. Every such petition shall include the full text of the
18 measure so proposed. In the case of initiatives to the legislature and
19 initiatives to the people, the number of valid signatures of legal
20 voters required shall be equal to eight percent of the votes cast for
21 the office of governor at the last gubernatorial election preceding the

1 initial filing of the text of the initiative measure with the secretary
2 of state. After January 1, 2003, petition signatures must be
3 distributed among the congressional districts of the state so that at
4 least six of the congressional districts each have a number of valid
5 signatures of legal voters equal to at least one-ninth of the votes
6 cast for the office of governor at the last gubernatorial election
7 before the initial filing of the text of the initiative measure with
8 the secretary of state.

9 Initiative petitions shall be filed with the secretary of state not
10 less than four months before the election at which they are to be voted
11 upon, or not less than ten days before any regular session of the
12 legislature. If filed at least four months before the election at
13 which they are to be voted upon, he shall submit the same to the vote
14 of the people at the said election. If such petitions are filed not
15 less than ten days before any regular session of the legislature, he
16 shall certify the results within forty days of the filing. If
17 certification is not complete by the date that the legislature
18 convenes, he shall provisionally certify the measure pending final
19 certification of the measure. Such initiative measures, whether
20 certified or provisionally certified, shall take precedence over all
21 other measures in the legislature except appropriation bills and shall
22 be either enacted or rejected without change or amendment by the
23 legislature before the end of such regular session. If any such
24 initiative measures shall be enacted by the legislature it shall be
25 subject to the referendum petition, or it may be enacted and referred
26 by the legislature to the people for approval or rejection at the next
27 regular election. If it is rejected or if no action is taken upon it
28 by the legislature before the end of such regular session, the
29 secretary of state shall submit it to the people for approval or
30 rejection at the next ensuing regular general election. The
31 legislature may reject any measure so proposed by initiative petition
32 and propose a different one dealing with the same subject, and in such
33 event both measures shall be submitted by the secretary of state to the
34 people for approval or rejection at the next ensuing regular general
35 election. When conflicting measures are submitted to the people the
36 ballots shall be so printed that a voter can express separately by
37 making one cross (X) for each, two preferences, first, as between
38 either measure and neither, and secondly, as between one and the other.
39 If the majority of those voting on the first issue is for neither, both

1 fail, but in that case the votes on the second issue shall nevertheless
2 be carefully counted and made public. If a majority voting on the
3 first issue is for either, then the measure receiving a majority of the
4 votes on the second issue shall be law.

5 (b) Referendum. The second power reserved by the people is the
6 referendum, and it may be ordered on any act, bill, law, or any part
7 thereof passed by the legislature, except such laws as may be necessary
8 for the immediate preservation of the public peace, health or safety,
9 support of the state government and its existing public institutions,
10 either by petition signed by the required percentage of the legal
11 voters, or by the legislature as other bills are enacted: *Provided*,
12 That the legislature may not order a referendum on any initiative
13 measure enacted by the legislature under the foregoing subsection (a).
14 The number of valid signatures of registered voters required on a
15 petition for referendum of an act of the legislature or any part
16 thereof, shall be equal to or exceeding four percent of the votes cast
17 for the office of governor at the last gubernatorial election preceding
18 the filing of the text of the referendum measure with the secretary of
19 state.

20 (c) No act, law, or bill subject to referendum shall take effect
21 until ninety days after the adjournment of the session at which it was
22 enacted. No act, law, or bill approved by a majority of the electors
23 voting thereon shall be amended or repealed by the legislature within
24 a period of two years following such enactment: *Provided*, That any
25 such act, law, or bill may be amended within two years after such
26 enactment at any regular or special session of the legislature by a
27 vote of two-thirds of all the members elected to each house with full
28 compliance with section 12, Article III, of the Washington
29 Constitution, and no amendatory law adopted in accordance with this
30 provision shall be subject to referendum. But such enactment may be
31 amended or repealed at any general regular or special election by
32 direct vote of the people thereon.

33 (d) The filing of a referendum petition against one or more items,
34 sections, or parts of any act, law, or bill shall not delay the
35 remainder of the measure from becoming operative. Referendum petitions
36 against measures passed by the legislature shall be filed with the
37 secretary of state not later than ninety days after the final
38 adjournment of the session of the legislature which passed the measure
39 on which the referendum is demanded. The veto power of the governor

1 shall not extend to measures initiated by or referred to the people.
2 All elections on measures referred to the people of the state shall be
3 had at the next succeeding regular general election following the
4 filing of the measure with the secretary of state, except when the
5 legislature shall order a special election. Any measure initiated by
6 the people or referred to the people as herein provided shall take
7 effect and become the law if it is approved by a majority of the votes
8 cast thereon: *Provided*, That the vote cast upon such question or
9 measure shall equal one-third of the total votes cast at such election
10 and not otherwise. Such measure shall be in operation on and after the
11 thirtieth day after the election at which it is approved. The style of
12 all bills proposed by initiative petition shall be: "Be it enacted by
13 the people of the State of Washington." This section shall not be
14 construed to deprive any member of the legislature of the right to
15 introduce any measure. All such petitions shall be filed with the
16 secretary of state, who shall be guided by the general laws in
17 submitting the same to the people until additional legislation shall
18 especially provide therefor. This section is self-executing, but
19 legislation may be enacted especially to facilitate its operation.

20 (e) The legislature shall provide methods of publicity of all laws
21 or parts of laws, and amendments to the Constitution referred to the
22 people with arguments for and against the laws and amendments so
23 referred. The secretary of state shall send one copy of the
24 publication to each individual place of residence in the state and
25 shall make such additional distribution as he shall determine necessary
26 to reasonably assure that each voter will have an opportunity to study
27 the measures prior to election.

28 BE IT FURTHER RESOLVED, That the secretary of state shall cause
29 notice of this constitutional amendment to be published at least four
30 times during the four weeks next preceding the election in every legal
31 newspaper in the state.

--- END ---

SENATE BILL REPORT

SJR 8206

As Reported By Senate Committee On:
State & Local Government, February 19, 2001
Ways & Means, March 6, 2001

Brief Description: Requiring a geographic distribution of initiative petition signatures.

Sponsors: Senators Hargrove, McDonald, Jacobsen, Long, Costa, Regala, Snyder, Winsley, T. Sheldon, Gardner, McCaslin, Morton, Haugen, Rasmussen, Hochstatter, Honeyford, Oke and McAuliffe.

Brief History:

Committee Activity: State & Local Government: 2/1/01, 2/19/01 [DPS-WM, DNP].
Ways & Means: 2/27/01, 3/6/01 [DP2S, DNP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Joint Resolution No. 8206 be substituted therefor, and the substitute joint resolution do pass and be referred to Committee on Ways & Means.

Signed by Senators Patterson, Chair; Gardner, Hale, Haugen, Horn, McCaslin, T. Sheldon and Swecker.

Minority Report: Do not pass.

Signed by Senator Roach.

Staff: Eugene Green (786-7405)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Joint Resolution No. 8206 be substituted therefor, and the second substitute joint resolution do pass.

Signed by Senators Brown, Chair; Hewitt, Honeyford, Long, Parlette, Rasmussen, Regala, Sheahan, Snyder, Winsley and Zarelli.

Minority Report: Do not pass.

Signed by Senators Constantine, Vice Chair; Fairley, Vice Chair; Fraser, Kline, Kohl-Welles and Rossi.

Staff: Steve Jones (786-7440)

Background: The Constitution of Washington State vests legislative authority in the Legislature, but reserves to the people the power to propose, enact or reject bills independent of the Legislature. The first power reserved to the people is the initiative. Article II, Section 1, requires an initiative petition to have valid signatures equal to 8 percent of the votes cast

for the office of Governor at the last gubernatorial election preceding the initial filing of the initiative.

The number of initiatives certified to the ballot, or receiving the requisite number of signatures, in the last eight years has more than doubled over the previous two ten-year periods. The number of initiatives passed during these periods has remained relatively unchanged.

Summary of Second Substitute Bill: Article II, Section 1 of the Constitution of Washington State is amended so that at least 6 of the congressional districts each have a number of valid signatures equal to at least one-ninth of the required signatures.

Second Substitute Bill Compared to Substitute Bill: A technical drafting error is corrected and it extends the effective date from 2003 to 2004.

Substitute Bill Compared to Original Bill: The original joint resolution prohibits the validation of signatures from any congressional district in excess of one-sixth of the total number of signatures required.

Appropriation: None.

Fiscal Note: Available.

Effective Date: January 1, 2004.

Testimony For: This will assure broad geographic support for the submission of an initiative measure to the Legislature or the people. The delayed effective date will reduce the fiscal impact of the bill by allowing additional time for the development of a statewide voter registration database.

Testimony Against: (original bill) People should not feel their signature is "wasted."

Testified: Senator Jim Hargrove, prime sponsor (pro); Steve Gano (pro); Tony Wells, Hunters Heritage Council (pro); Alan Worrell (pro); Cherie Davidson, League of Women Voters (con); Jim King, Citizens for Outdoor Recreation (con); Ed Owens, Citizens for Responsible Wildlife Management, Salmon for Washington (pro); David Elliott, Office of Secretary of State; Linda Johnson, WA Farm Bureau (pro).

1/18/02 5:46 p.m.

WASHINGTON STATE LEGISLATURE
History of SJR8206

SJR8206 Requiring a geographic distribution of initiative petition signatures.

Sponsors: Senators Hargrove; McDonald; Jacobsen; Long; Costa; Regala; Snyder; Winsley; T. Sheldon; Gardner; McCaslin; Morton; Haugen; Rasmussen; Hochstatter; Honeyford; Oke; McAuliffe

Companion Bill(s): HJR4207

-- 2001 REGULAR SESSION --

Jan 17 First reading, referred to State & Local Government.
Feb 20 SLG - Majority; 1st substitute bill be substituted, do pass.
And refer to Ways & Means.
Minority; do not pass.
Referred to Ways & Means.
Mar 7 WM - Majority; 2nd substitute bill be substituted, do pass.
Minority; do not pass.
Mar 8 Passed to Rules Committee for second reading.
Made eligible to be placed on second reading.
Mar 9 Placed on second reading by Rules Committee.
Mar 13 2nd substitute bill substituted.
Rules suspended. Placed on Third Reading.
Third reading, passed: yeas, 34; nays, 15; absent, 0.

-- IN THE HOUSE --

Mar 15 Held on first reading.
Mar 22 First reading, referred to State Government.
Apr 22 By resolution, returned to Senate Rules Committee for third reading.

-- 2001 1ST SPECIAL SESSION --

-- IN THE SENATE --

Apr 25 By resolution, reintroduced and retained in present status.

-- 2002 REGULAR SESSION --

Jan 14 By resolution, reintroduced and retained in present status.
Jan 16 On motion, referred to Ways & Means.

SECOND SUBSTITUTE SENATE JOINT RESOLUTION 8206

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, McDonald, Jacobsen, Long, Costa, Regala, Snyder, Winsley, T. Sheldon, Gardner, McCaslin, Morton, Haugen, Rasmussen, Hochstatter, Honeyford, Oke and McAuliffe)

READ FIRST TIME 03/08/01.

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II, section 1 of the Constitution of the state of Washington to read as follows:

Article II, section 1. The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section, or part of any bill, act, or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. Every such petition shall include the full text of the measure so proposed. In the case of initiatives to the legislature and initiatives to the people, the number of valid signatures of legal voters required shall be equal to eight percent of the votes cast for the office of governor at the last gubernatorial election preceding the initial filing of the text of the initiative measure with the secretary of state. {+ After January 1, 2004, petition signatures must be distributed among the congressional districts of the state so that at least six of the congressional districts each have a number of valid signatures of legal voters equal to at least one-ninth of the number of signatures required to qualify the initiative for the ballot. +}

Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall certify the results within forty days of the filing. If certification is not complete by the date that the legislature convenes, he shall provisionally certify the measure pending final certification of the measure. Such initiative measures, whether certified or provisionally certified, shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the

legislature before the end of such regular session. If any such initiative measures shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted: Provided, That the legislature may not order a referendum on any initiative measure enacted by the legislature under the foregoing subsection (a). The number of valid signatures of registered voters required on a petition for referendum of an act of the legislature or any part thereof, shall be equal to or exceeding four percent of the votes cast for the office of governor at the last gubernatorial election preceding the filing of the text of the referendum measure with the secretary of state.

(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: Provided, That any such act, law, or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon.

(d) The filing of a referendum petition against one or more items, sections, or parts of any act, law, or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure

on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the next succeeding regular general election following the filing of the measure with the secretary of state, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: Provided, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation.

(e) The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of the publication to each individual place of residence in the state and shall make such additional distribution as he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

--- END ---

4/25/01 5:40 p.m.

WASHINGTON STATE LEGISLATURE
History of SJR8206

SJR8206 Requiring a geographic distribution of initiative petition signatures.

Sponsors: Senators Hargrove; McDonald; Jacobsen; Long; Costa; Rega; Snyder; Winsley; T. Sheldon; Gardner; McCaslin; Morton; I Rasmussen; Hochstatter; Honeyford; Oke; McAuliffe

Companion Bill(s): HJR4207

-- 2001 REGULAR SESSION --

Jan 17 First reading, referred to State & Local Government.

Feb 20 SLG - Majority; 1st substitute bill be substituted, do pass.

And refer to Ways & Means.

Minority; do not pass.

Referred to Ways & Means.

Mar 7 WM - Majority; 2nd substitute bill be substituted, do pass.

Minority; do not pass.

Mar 8 Passed to Rules Committee for second reading.

Made eligible to be placed on second reading.

Mar 9 Placed on second reading by Rules Committee.

Mar 13 2nd substitute bill substituted.

Rules suspended. Placed on Third Reading.

Third reading, passed: yeas, 34; nays, 15; absent, 0.

-- IN THE HOUSE --

Mar 22 First reading, referred to State Government.

Apr 22 By resolution, returned to Senate Rules Committee for third reading.

-- 2001 1ST SPECIAL SESSION --

-- IN THE SENATE --

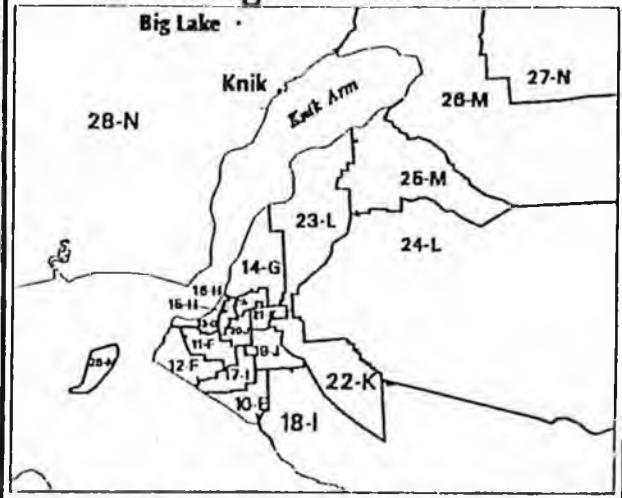
Apr 25 By resolution, reintroduced and retained in present status.

**STATUS OF ACTIVE PETITIONS
2002 ELECTION**

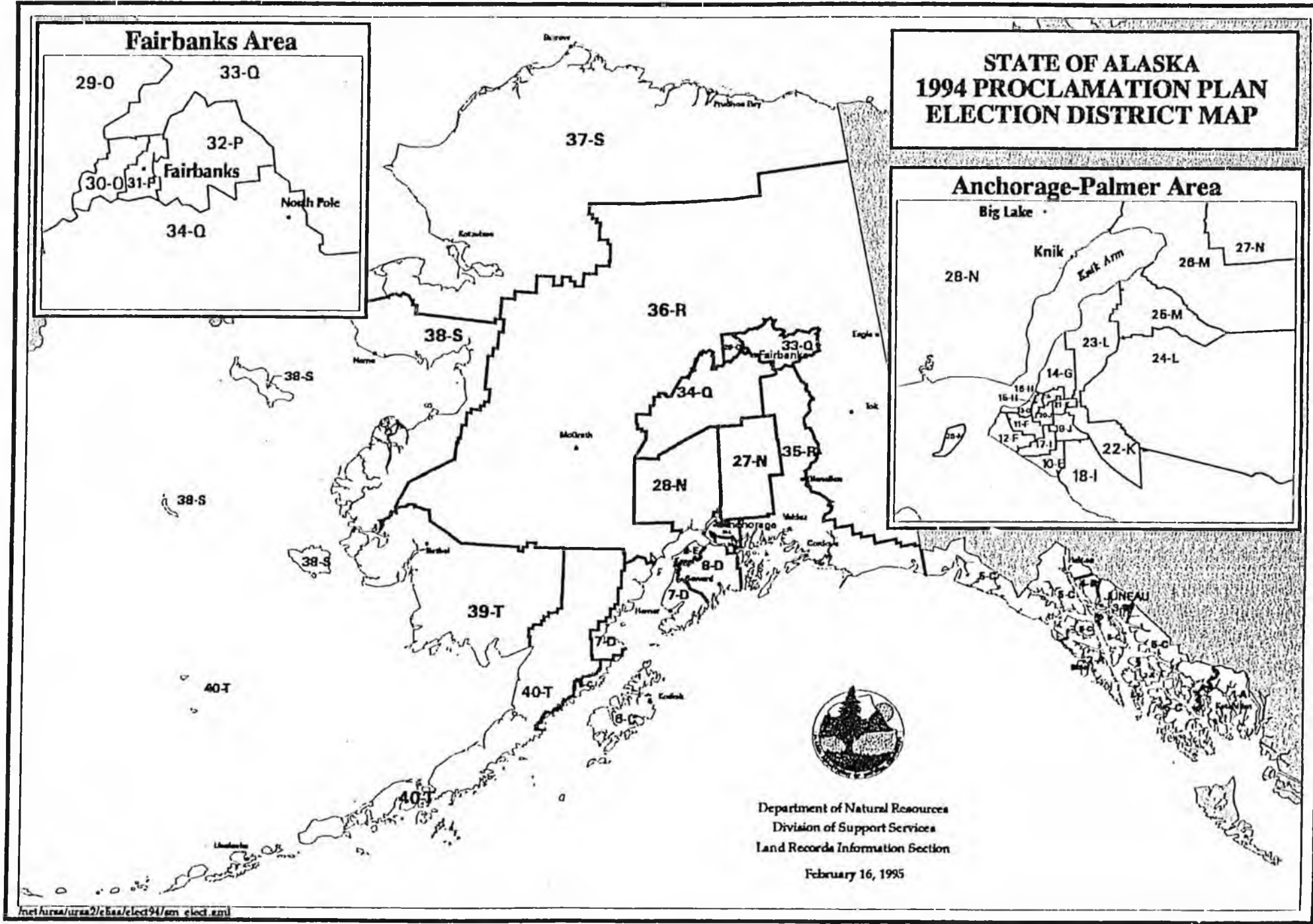
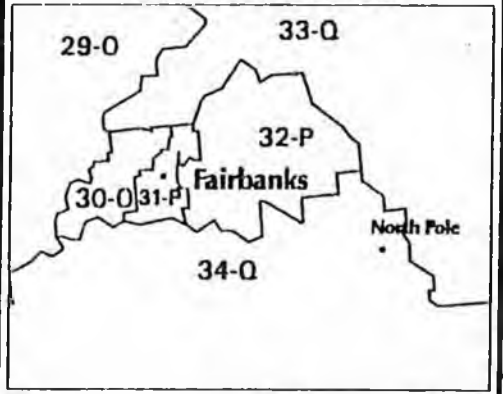
Initiative	Initiative (Description)	Application Certified Date	Petition Booklets Rec'd	Petition Booklets filed Date	# of Signatures submitted	# of Qualified Signatures	# of Signatures Needed	Initiative Certified Date	Primary/General	Approx. No. of Signatures Per Month
01GSLN	All-Alaskan Gasline	9/4/2001	9/12/2001	1/11/2002	42,000+	In the process	28,782		G	10,500
01MNWG	Minimum Wage	3/12/2001	4/5/2001	11/29/2001	49,482	30,745	28,782	1/3/2002	G	6185
01CHGE	Legislative Session Move	7/23/2001	7/31/2001	1/10/2002	40,000	In the process	28,782		G	6666
99PRVT	Amending Election Process	10/23/1999	10/28/1999	10/26/2000	30,000	22,841	22,715	12/21/2000	P	2500

**STATE OF ALASKA
1994 PROCLAMATION PLAN
ELECTION DISTRICT MAP**

Anchorage-Palmer Area



Fairbanks Area



Department of Natural Resources
Division of Support Services
Land Records Information Section

February 16, 1995

WYOMING SECRETARY OF STATE

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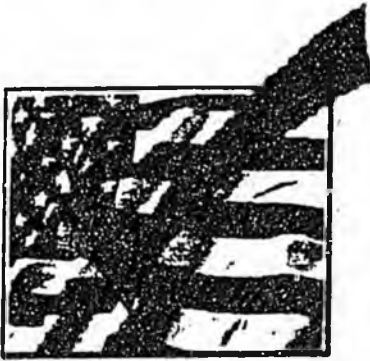
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Initiative Process

This document is intended as a guide for those considering filing an initiative application. It is highly recommended that before beginning the initiative process that the applicants consult the Wyoming Constitution and the Election Code of the Wyoming State Statutes. Copies of both documents are available from the Secretary of State's Office (\$3.00 for the Election Code and for the Wyoming Constitution)

Governance

Wyoming Constitution Article 3 Section 52 Various Wyoming State statutes particularly W.S. 22-24-101 through 22-24-125

Requirements

The initiative must be in bill form (W.S. 8-1-101 through 8-1-108). The bill must be on legal size paper, attached to the application form. The entire subject of the bill must be included in the title. The enacting clause must read: "Be it enacted by the people of the state of Wyoming". The bill must have an effective date. The application must be filed with the Secretary of State. A fee of \$500 must accompany the application.

Restrictions

The bill may not contain more than one subject. The bill may not dedicate revenues. The bill may not make or repeal appropriations. The bill may not create courts, define the jurisdiction of courts or prescribe their rules. The bill may not enact local or special legislation. The bill may not enact anything that is prohibited by the constitution. The bill may not be substantially the same as that defeated by an initiative election within the previous five years.

Committee

There must be a committee of three people who will be the main sponsors of the initiative. These committee members will be the contact people for the initiative, may be served with legal notices and will be responsible for statutory fees and costs.

Certification for Circulation

After the application is filed, the Secretary of State will hold a conference with the sponsors to discuss;

problems with the format or contents; fiscal impact to the state; and the initiative amendment process. The sponsors may then amend the initiative language. If the proposed bill will not be amended the committee of sponsors shall submit the names, signatures, addresses and the date of signing of one hundred (100) qualified electors to act as sponsors supporting the application in its final form to the Secretary of State. If the application meets all constitutional and statutory requirements, the Secretary of State will certify the application as filed. If the application is denied, the Secretary of State will notify the committee in writing of the grounds for denial. Denial of certification is subject to judicial review if any aggrieved person files an application within 30 days of the notification.

Petitions

The Secretary of State will develop the petition form which is the only form that may be circulated. The Secretary of State shall print and number the petitions for distribution, but the cost of petition preparation is the responsibility of the sponsors.

Circulation

Sponsors have 18 months from the initial date the petitions are delivered to the sponsor to file the petitions for verification. Petitions are to be circulated throughout the state only by a sponsor and only in person. The committee may designate additional sponsors by giving written notice to the Secretary of State of those names and addresses. Sponsors will be required to submit an affidavit upon submission of each petition he/she circulated. Sponsors must submit at least 26,760 registered voter signatures representing fifteen percent (15%) of those resident in at least two-thirds of Wyoming counties. Failure of a petition to qualify as of the filing date voids the future use of all signatures.

Circulators may not be paid based upon the number of signatures gathered nor shall a circulator pay or offer to pay any compensation to another person for that person's signature. Any person who signs a name other than his own or who knowingly signs his name more than once or who signs knowing that he is not a qualified registered voter or who makes a false affidavit or verification, upon conviction can be fined up to \$1000 or imprisoned up to one year, or both.

Certification for the Ballot

Within 60 days after the filing of the petition, the Secretary of State will notify the committee of whether or not enough valid signatures had been obtained. If so, the Secretary of State will prepare a proposition and ballot title summarizing the proposed law. The proposition will then be voted on in the first statewide election held more than 120 days after adjournment of the legislative session. If, before the election, substantially the same measure has been enacted the petition is void.

Enactment

The measure is enacted if it receives approval of more than 50% of those voting in the general election. Election results are certified by the State Canvassing Board. An initiated law becomes effective 90 days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time.

Rev. 3/99

[Return to Election Administration Main Menu](#)

Wyoming Secretary of State Home Page

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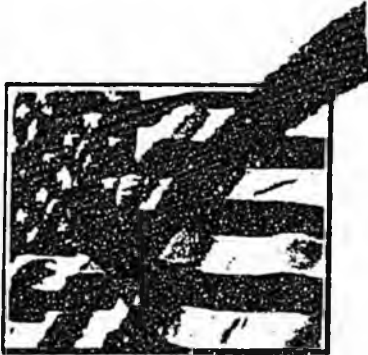
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[Elections](#)

[Notaries](#)

[Rules](#)

[Securities](#)



Initiatives and Referendums Summary Sheet

The people of the State of Wyoming have had the privilege of proposing and enacting laws by the initiative, or rejecting acts of the legislature by the referendum, since December 1968.

The first amendments to the initiative and referendum law were made by the 1985 Wyoming Legislature. An 18-month circulation period was established, and the definition of a political action committee was amended to include any group organized for the support or defeat of any initiative or referendum petition drive.

Listed below are all the past initiatives/referendums filed in Wyoming.

1. Declaring gambling to be lawful. Filed May 8, 1970. Principal sponsor: Harry Poulos, 6902 Bomar Drive, Cheyenne, WY 82009.
2. Disclosing private interests by certain public officials; requiring such disclosure and providing penalties for failure to disclose and for false disclosure. Filed July 9, 1973. Principal sponsor: Rodger McDaniel, P.O. Box 1707, Cheyenne, WY 82003.
3. Relating to private ownership or possession of big and trophy game animals and importation of same into Wyoming. Filed September 19, 1973. Principal sponsor: Dick Sadler, 2626 Bonnie Brae, Casper, WY 82601.
4. Providing for a constitutional amendment on the General Election ballot to create the office of Lt. Governor. Filed May 14, 1976. Principal sponsor: John Jacobs, P.O. Box 98, Gillette, WY 82716.**
5. Imposing a 23% severance tax on the value of coal produced by open mining. Filed November 23, 1976. Principal sponsor: Donald Shanor, 5001 Sagebrush, Cheyenne, WY 82001.
6. Authorizing the issuance of malt beverage and wine permits by cities and counties to restaurants. Filed August 31, 1978. Principal sponsor: Bob Hulburt, 162 N. Beech, Casper, WY 82601.
7. Imposing an additional 5% severance tax on the value of coal produced. Filed September 22, 1978. Principal sponsor: Bob Burnett, P.O. Box 1123, Laramie, WY 82070.

8. Preserving minimum in-stream flows. Filed October 20, 1980. Principal sponsor: Dr. Charles Stebner. Petitions filed December 11, 1981. Verification completed January 26, 1982 and the Secretary of State notified the sponsors that the initiative fell 1,266 signatures short of the 27,154 needed.
 - In February 1982 the In-Stream Flow Committee filed an action for review of the Secretary of State's determination. On May 10, 1982 the action was heard in District Court. The decision handed down by Judge Alan Johnson on August 12, 1982 reversed the letter decision of the Secretary of State.
9. Replacement of exported groundwater. Filed June 22, 1981. Principal sponsor: Winslow Taylor, P.O. Box 39, Story, WY 82842.
10. Deposits in credit unions. Filed March 3, 1982. Principal sponsor: Roshara J. Holub, Wyoming Credit Union League, Inc., 864 Spruce St, Casper, WY 82601.
11. Constitutional Amendment - Article 3, Section 52(c) and (f) on initiative. Filed June 16, 1982. Principal sponsor: Sweetwater County Rep. James Roth, P.O. Box 432, Green River, WY 82935. Amending constitutional provision on initiative process and lowering signature requirement for placement of an initiative on the general election ballot from 15% to 10%.**
12. Instream flows as a beneficial use of water under Wyoming law. Filed May 23, 1982. Principal Sponsor: Tom Dougherty, Wyoming Citizens for Committee for Instream Flow, P.O. Box 15732, Cheyenne, WY 82003. Initial verification by Secretary of State completed January 6, 1984. Initiative fell short of the 25,810 required signatures. Because of a February 1984 ruling by the Attorney General, 4,370 additional signatures were submitted on November 5, 1984. The Wyoming Citizens Committee for Instream Flow was notified on November 13, 1984 that the initiative petition had been properly filed and qualified for ballot placement in the 1986 General Election. However, this initiative did not appear on the 1986 General Election ballot as legislation passed in 1985 was determined to be substantially the same.
13. Water storage for instream flows. Filed August 22, 1983. Principal sponsor: Gilbert Engen, Wyoming Citizens for Wyoming Water, P.O. Box 1348, Laramie, WY 82070. Failed to file petition by the December 16, 1983 deadline for placement on the 1984 General Election Ballot. The Committee continued to gather signatures for the 1986 General Election ballot. However, failed to file the requisite number of signatures by February 17, 1986, the first day of the legislature. (Note: An Attorney General's opinion issued January 10, 1986 stated an initiative petition need not be verified 60 days prior to a legislative session but rather, the initiative petition must only be deposited prior to the convening of the legislative session.
14. Election of Public Service Commission Members. Filed July 11, 1985. Principal Sponsor: Fremont County Sen. John P. Vinich, P.O. Box 67, Hudson, WY 82515. The 18-month circulation period established by the 1985 legislature expired January 11, 1987.
15. Link Deposit Program. Filed July 15, 1988. Principal sponsor: Russ Donley, 1120 Ivy Lane, Casper, WY 82607. The 18-month circulation period expired with the sponsors filing 267 verified signatures. 1990 General election ballot placement required 27,962 signatures.
16. Local Option Gambling. Filed July 15, 1989. Principal sponsor: Mary Allison, P.O. Box 775, Dubois, WY 82513. The 18-month circulation period expired with the sponsors submitting 11,787

signatures. 1990 or 1992 general election ballot placement required 27,962 signatures.

17. Prohibiting triple trailers. Filed August 27, 1990. Principal sponsor: John Rogers, 2909 Capitol Avenue, Cheyenne, WY 82001. The sponsors were notified January 4, 1991 that the Secretary of State had verified 27,962 signatures. The initiative appeared on the 1992 general election ballot and was passed: Yes votes - 165,879; No votes - 31,997.
18. Term Limitations. Filed September 13, 1991. Principal sponsor: Dave Dawson, 3518 Partridge, Casper, WY 82604. The sponsors were notified February 4, 1992 that the Secretary of State had verified 24,646 signatures. The initiative appeared on the 1992 general election ballot and was passed: Yes votes - 150,113; No votes - 44,424.
19. Railway Safety. Filed October 31, 1991. Principal sponsor: Tom Jones, 215 Lakeshore Drive, Cheyenne, WY 82009. The sponsors were notified February 14, 1992 that the Secretary of State had verified 24,646 signatures. The initiative appeared on the 1992 general election ballot and was passed: Yes votes - 130,803; No votes - 52,835.
20. Abortion Restrictions. Filed August 8, 1991. Coordinator: Richard Grout, 4950 Antelope Drive, Bar Nunn, WY 82801. The sponsors were notified on December 8, 1992 that the Secretary of State had verified 24,646 signatures. The initiative will appear on the 1994 ballot. The initiative was defeated: Yes votes - 78,978; No votes - 118,760. Total votes cast were 204,025.
21. Local Option Gambling. Filed October 30, 1991. Principal sponsor: Leo McCue, 4 Cortell, Laramie, WY 82070. The sponsors were notified April 19, 1993 that the Secretary of State had verified 24,646 signatures and April 23, 1993 that the Secretary of State had verified 30,540 signatures. The initiative appeared on the 1994 general election ballot. The initiative was defeated: Yes votes - 61,980; No votes - 137,379. Total votes cast were 204,025.
22. Invest in Wyoming. Filed May 17, 1993. Principal sponsor: Russ Donley, 1120 Ivy Lane, Casper, WY 82607. 30,540 signatures of registered voters needed for ballot access. This petition reached the appropriate number of signatures and appeared on the 1994 ballot. The initiative was defeated: Yes votes - 75,547; No votes - 114,273. Total votes cast were 204,025.
23. Legislative Accountability. Filed August 19, 1993. Principal sponsor: Betty Jo Beardsley, 814 Hillcrest Road, Cheyenne, WY 82001. 30,540 signatures needed for ballot access. The initiative failed to gather enough signatures to qualify.
24. Term Limits. An application for a referendum to repeal Senate Enrolled Act 4 was certified March 14, 1995. Principal Sponsor: Mr. Jack Adsit, 73 Metz Road, Sheridan, WY 82801. 30,604 signatures were needed to make the 1996 ballot. The needed signatures were gathered and filed by the deadline. The question appeared on the 1996 ballot, but failed: Yes votes - 104,544; No votes - 90,138.
 - *In order to pass a constitutional amendment, initiative or referendum it must receive a majority of the total votes cast in the election. The total votes cast was 215,844. Therefore, the majority needed was 107,923.
25. Term Limits. An application for an initiative was certified. This initiative was to require candidates for a legislative office to have a statement next to their name on the ballot indicating their support of congressional term limits by past votes or a signed pledge. It also would instruct the legislators to

call for a federal constitutional convention. 30,604 signatures were needed to make the 1996 ballot. Sponsors were Jack Adsit, Jim Brady and Steve Richardson. This petition gained the appropriate number of signatures and appeared on the 1996 ballot. The initiative was defeated: Yes votes - 105,093; No votes - 89,018. Total votes cast were 215,844.

- *In order to pass a constitutional amendment, initiative or referendum it must receive a majority of the total votes cast in the election. The total votes cast was 215,844. Therefore, the majority needed was 107,923.

26. Dentistry. An application for an initiative was certified by the Secretary of State's Office on April 18, 1997. This initiative would have established professional licensure of denturists; require the Board of Dental Examiners to regulate denturists, dental hygienists and dentists and to function with a lay person majority vote; and repealing the authority of dentists to make and repair dentures, bridges and appliances. Sponsors of the bill were Billy M. Strickland, Christine L. Conley and Marilyn V. Anderson. 32,377 signatures were needed to make the 1998 ballot. The 18-month circulation period established by the 1985 legislature expired October 18, 1998.
27. Ethics in Government. An application for an initiative was certified by the Secretary of State's Office on September 1, 1997. This initiative would have established ethical standards and specify unlawful acts for specified public employees, officials and other public members; require financial disclosure and other filings; provide for enforcement; provide definitions, procedures, penalties and remedies; authorize investigations; make conforming amendments; and provide for an effective date. Sponsors of the bill were Curt Kaiser, Angeline M. Kinneman and Nyla Murphy. 32,377 signatures were needed to make the 1998 or 2000 ballot. The 18-month circulation period established by the 1985 legislature expired March 3, 1999.

** In Wyoming the initiative process cannot be used to propose an amendment to the Wyoming Constitution.

[Return to Election Administration Main Menu](#)

[Wyoming Secretary of State Home Page](#)

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NOTES TO DECISIONS

Quoted in *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).
Stated in *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Cited in *Citizens Coalition for Tort Reform, Inc. v. McAlpine*, 810 P.2d 162 (Alaska 1991); *Shetters v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

Section 3. Petition. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the house districts of the State, it may be filed with the lieutenant governor.

Cross references. — See note to Alaska Const., art. XI, § 2.

An initiative petition must be sufficient on its face before it may be accepted for filing, i.e., it must have the requisite number of purportedly valid signatures before it may be filed in the office of the attorney general; a petition deficient in this respect should be returned to the sponsors. February 1, 1984 Op. Att'y Gen.

Effect of amendment. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2 (1970)), substituted "lieutenant governor" for "secretary of state" in the first and second sentences.

Effect of amendment. — The amendment effective January 3, 1999 (20th Legislature's SCS CSHJR 44(JUD)), substituted "house districts" for "election districts" in the last sentence.

Opinions of attorney general. — An initiative petition which, on its face, is seen to contain an insufficient number of signatures may not be filed and later supplemented to cure the deficiency. February 1, 1984 Op. Att'y Gen.

AS 15.45.170 authorizes a supplementary petition, but that privilege is afforded only when a petition, believed to contain a sufficient number of signatures of qualified voters, is later found to contain signatures of persons who are not qualified voters; in such a case, the latent defect of numbers may be cured, but where the defect is patent, the petition may not be accepted for filing. February 1, 1984 Op. Att'y Gen.

NOTES TO DECISIONS

Insufficiency of summary. — In preparing summary of subject matter of proposed bill, the lieutenant governor is entitled to rely on the premise that readers of the summary understand that in the absence of contrary language to the contrary, state initiatives are intended to change state law and bind the state government, not federal law and the federal government; thus he need not give "special" reminders to the public regarding the scope of a state initiative. *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Summary's prediction as to proposed bill's effect was amply supported by text of bill, consequently the summary's use of the language "would prevent" was neither misleading nor inaccurate. *Burgess v. Miller*, 654 P.2d 273 (Alaska 1982).

Quoted in *Walters v. Cease*, 388 P.2d 263 (Alaska 1964).

Cited in *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985); *Shetters v. State*, 832 P.2d 181 (Alaska Ct. App. 1992).

Section 4. Initiative Election. An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the election; before the election, substantially the same measure has been enacted, the election is void.

Effect of amendments. — The amendment, effective October 10, 1970 (6th Legislature's SJR 2(1970)), substituted "lieutenant governor" for "secretary of state" in the second sentence.

petition must be filed before the start of the legislative session in order to be presented to the electorate at the first state-wide election held 120 or more days after the conclusion of that session. February 1, 1984 Op. Att'y Gen.

NOTES TO DECISIONS

must be interpreted broadly and as to the scope of legislative power, 543 P.2d 700

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d, § 7 ch 80 SLA 1998.]

00GAME
AN ACT TO REPEAL CHAPTER 20 SLA 2000

HOUSE	7% OF VOTES		
DISTRICT	SIGNATURES	1998 GENERAL	
HD 1	113	352	28/40 DISTRICTS MET THE 7% REQUIREMENT
HD 2	143	412	
HD 3	1056	504	X
HD 4	671	470	X
HD 5	309	345	
HD 6	82	282	
HD 7	1107	478	X
HD 8	441	414	X
HD 9	195	366	
HD 10	1006	485	X
HD 11	942	371	X
HD 12	898	405	X
HD 13	1399	443	X
HD 14	580	228	X
HD 15	1181	300	X
HD 16	942	221	X
HD 17	973	373	X
HD 18	1469	547	X
HD 19	1030	390	X
HD 20	983	373	X
HD 21	1091	348	X
HD 22	1049	467	X
HD 23	476	189	X
HD 24	834	397	X
HD 25	766	427	X
HD 26	574	448	X
HD 27	650	551	X
HD 28	622	544	X
HD 29	740	485	X
HD 30	423	333	X
HD 31	411	328	X
HD 32	275	253	X
HD 33	433	447	
HD 34	362	326	X
HD 35	163	351	
HD 36	138	333	
HD 37	155	284	
HD 38	90	309	
HD 39	120	330	
HD 40	75	179	

99PRVT
 AN IMPLEMENTING ALTERNATIVE VOTING ELECTORAL SYSTEM

HOUSE		7% OF VOTES		
DISTRICT	SIGNATURES	1998 GENERAL		
HD 1	34	352	22/40 DISTRICTS MET THE 7% REQUIREMENT	
HD 2	44	412		
HD 3	148	504		
HD 4	135	470		
HD 5	64	345		
HD 6	85	282		
HD 7	821	478		X
HD 8	827	414		X
HD 9	938	366		X
HD 10	1013	485		X
HD 11	925	371		X
HD 12	845	405		X
HD 13	796	443		X
HD 14	605	228		X
HD 15	787	300		X
HD 16	1005	221		X
HD 17	1125	373		X
HD 18	1208	547		X
HD 19	1088	390		X
HD 20	853	373		X
HD 21	995	348		X
HD 22	947	467		X
HD 23	522	189		X
HD 24	843	397		X
HD 25	754	427		X
HD 26	928	448		X
HD 27	1148	551		X
HD 28	1089	544		X
HD 29	349	485		
HD 30	211	333		
HD 31	255	328		
HD 32	140	253		
HD 33	235	447		
HD 34	162	326		
HD 35	216	351		
HD 36	181	333		
HD 37	145	284		
HD 38	109	309		
HD 39	121	330		
HD 40	145	179		

99PTAR
AN ACT PROVIDING PROPERTY TAX AND ASSESSMENT REFORM

HOUSE	7% OF VOTES			
DISTRICT	SIGNATURES	1998 GENERAL		
HD 1	29	352	21/40 DISTRICTS MET THE 7% REQUIREMENT	
HD 2	34	412		
HD 3	45	504		
HD 4	45	470		
HD 5	56	345		
HD 6	117	282		
HD 7	618	478		X
HD 8	587	414		X
HD 9	342	366		
HD 10	1304	485		X
HD 11	1188	371		X
HD 12	1100	405		X
HD 13	958	443		X
HD 14	687	228		X
HD 15	860	300		X
HD 16	968	221		X
HD 17	1419	373		X
HD 18	1447	547		X
HD 19	1363	390		X
HD 20	951	373		X
HD 21	1071	348		X
HD 22	1228	467		X
HD 23	682	189		X
HD 24	1162	397		X
HD 25	1361	427		X
HD 26	1374	448		X
HD 27	2142	551		X
HD 28	1587	544		X
HD 29	310	485		
HD 30	290	333		
HD 31	302	328		
HD 32	187	253		
HD 33	405	447		
HD 34	230	326		
HD 35	293	351		
HD 36	203	333		
HD 37	191	284		
HD 38	259	309		
HD 39	235	330		
HD 40	161	179		

**99HEMP
AN ACT TO RE-LEGALIZE HEMP**

HOUSE	7% OF VOTES			
DISTRICT SIGNATURES	1998 GENERAL			
HD 1	45	352		22/40 DISTRICTS MET THE 7% REQUIREMENT
HD 2	56	412		
HD 3	230	504		
HD 4	181	470		
HD 5	80	345		
HD 6	331	282	X	
HD 7	422	478		
HD 8	447	414	X	
HD 9	281	366		
HD 10	885	485	X	
HD 11	1069	371	X	
HD 12	900	405	X	
HD 13	1276	443	X	
HD 14	647	228	X	
HD 15	1352	300	X	
HD 16	1426	221	X	
HD 17	1187	373	X	
HD 18	1286	547	X	
HD 19	1202	390	X	
HD 20	1051	373	X	
HD 21	1181	348	X	
HD 22	803	467	X	
HD 23	570	189	X	
HD 24	778	397	X	
HD 25	899	427	X	
HD 26	1007	448	X	
HD 27	1415	551	X	
HD 28	1378	544	X	
HD 29	265	485		
HD 30	218	333		
HD 31	238	328		
HD 32	148	253		
HD 33	333	447		
HD 34	205	326		
HD 35	218	351		
HD 36	288	333		
HD 37	285	284	X	
HD 38	214	309		
HD 39	209	330		
HD 40	104	179		

97TRAP
AN ACT RELATING TO USE OF SNARES IN TRAPPING WOLVES

HOUSE	7% OF VOTES		
DISTRICT	SIGNATURES	1996 GENERAL	
HD 1	48	445	
HD 2	475	477	
HD 3	1354	517	X
HD 4	1266	500	X
HD 5	224	378	
HD 6	144	327	
HD 7	439	473	
HD 8	419	416	X
HD 9	243	378	
HD 10	1027	467	X
HD 11	1096	367	X
HD 12	1027	385	X
HD 13	1440	455	X
HD 14	821	299	X
HD 15	1432	301	X
HD 16	1403	213	X
HD 17	1253	373	X
HD 18	1291	434	X
HD 19	1227	376	X
HD 20	1182	376	X
HD 21	1140	350	X
HD 22	1106	471	X
HD 23	641	219	X
HD 24	977	103	X
HD 25	863	431	X
HD 26	765	418	X
HD 27	692	507	X
HD 28	919	494	X
HD 29	481	488	
HD 30	253	350	
HD 31	251	343	
HD 32	121	293	
HD 33	214	460	
HD 34	180	382	
HD 35	205	364	
HD 36	124	323	
HD 37	140	280	
HD 38	113	291	
HD 39	113	318	
HD 40	111	147	

22/40 DISTRICTS
MET THE 7%
REQUIREMENT

97PSDM
AN ACT RELATING TO THE MEDICAL USES OF MARIJUANA

HOUSE		7% OF VOTES		
<u>DISTRICT</u>	<u>SIGNATURES</u>	<u>1996 GENERAL</u>		
HD 1	34	445		23/40 DISTRICTS MET THE 7% REQUIREMENT
HD 2	50	477		
HD 3	798	517	X	
HD 4	823	500	X	
HD 5	100	378		
HD 6	520	327	X	
HD 7	314	473		
HD 8	385	416		
HD 9	254	378		
HD 10	957	467	X	
HD 11	1070	367	X	
HD 12	1046	385	X	
HD 13	1136	455	X	
HD 14	685	299	X	
HD 15	1147	301	X	
HD 16	1369	213	X	
HD 17	1327	373	X	
HD 18	1132	434	X	
HD 19	1238	376	X	
HD 20	1068	376	X	
HD 21	1130	350	X	
HD 22	972	471	X	
HD 23	608	219	X	
HD 24	932	103	X	
HD 25	974	431	X	
HD 26	895	418	X	
HD 27	940	507	X	
HD 28	1070	494	X	
HD 29	280	488		
HD 30	174	350		
HD 31	180	343		
HD 32	73	293		
HD 33	166	460		
HD 34	108	382		
HD 35	236	364		
HD 36	214	323		
HD 37	186	280		
HD 38	162	291		
HD 39	161	318		
HD 40	173	147	X	

97BILL
AN ACT RELATING TO BILLBOARDS

HOUSE		7% OF VOTES		
DISTRICT	SIGNATURES	1996 GENERAL		
HD 1	31	445		23/40 DISTRICTS MET THE 7% REQUIREMENT
HD 2	103	477		
HD 3	631	517	X	
HD 4	409	500		
HD 5	163	378		
HD 6	101	327		
HD 7	1095	473	X	
HD 8	540	416	X	
HD 9	346	378		
HD 10	1162	467	X	
HD 11	1030	367	X	
HD 12	1017	385	X	
HD 13	1570	455	X	
HD 14	553	299	X	
HD 15	1043	301	X	
HD 16	587	213	X	
HD 17	1011	373	X	
HD 18	1640	434	X	
HD 19	1069	376	X	
HD 20	1032	376	X	
HD 21	1002	350	X	
HD 22	1143	471	X	
HD 23	454	219	X	
HD 24	1072	103	X	
HD 25	995	431	X	
HD 26	940	418	X	
HD 27	1181	507	X	
HD 28	851	494	X	
HD 29	419	488		
HD 30	147	350		
HD 31	150	343		
HD 32	58	293		
HD 33	148	460		
HD 34	98	382		
HD 35	297	364		
HD 36	124	323		
HD 37	113	280		
HD 38	126	291		
HD 39	112	318		
HD 40	182	147	X	

97ENGL

AN ACT ADOPTING ENGLISH AS THE OFFICIAL LANGUAGE OF ALASKA

HOUSE		7% OF VOTES		
DISTRICT	SIGNATURES	1996 GENERAL		
HD 1	24	445	25/40 DISTRICTS MET THE 7% REQUIREMENT	
HD 2	27	477		
HD 3	36	517		
HD 4	36	500		
HD 5	25	378		
HD 6	115	327		
HD 7	504	473		X
HD 8	855	416		X
HD 9	588	378		X
HD 10	1090	467		X
HD 11	1003	367		X
HD 12	980	385		X
HD 13	1013	455		X
HD 14	645	299		X
HD 15	1077	301		X
HD 16	1099	213		X
HD 17	1228	373		X
HD 18	1096	434		X
HD 19	1163	376		X
HD 20	1142	376		X
HD 21	1027	350		X
HD 22	995	471		X
HD 23	614	219		X
HD 24	871	103		X
HD 25	1006	431		X
HD 26	1033	418		X
HD 27	1053	507		X
HD 28	998	494		X
HD 29	407	488		
HD 30	393	350		X
HD 31	425	343		X
HD 32	284	293		
HD 33	465	460		X
HD 34	312	382		
HD 35	271	364		
HD 36	136	323		
HD 37	124	280		
HD 38	87	291		
HD 39	152	318		
HD 40	125	147		

97TERM

AN ACT REQUIRING BALLOT INFORMATION PERTAINING TO TERM LIMITS

HOUSE	7% OF VOTES		
DISTRICT	SIGNATURES	1996 GENERAL	
HD 1	28	445	
HD 2	52	477	
HD 3	678	517	X
HD 4	746	500	X
HD 5	91	378	
HD 6	540	327	X
HD 7	421	473	
HD 8	508	416	X
HD 9	808	378	X
HD 10	958	467	X
HD 11	979	367	X
HD 12	935	385	X
HD 13	966	455	X
HD 14	745	299	X
HD 15	934	301	X
HD 16	1154	213	X
HD 17	1193	373	X
HD 18	972	434	X
HD 19	1105	376	X
HD 20	954	376	X
HD 21	1098	350	X
HD 22	985	471	X
HD 23	677	219	X
HD 24	1053	103	X
HD 25	1059	431	X
HD 26	870	418	X
HD 27	963	507	X
HD 28	1006	494	X
HD 29	302	488	
HD 30	193	350	
HD 31	205	343	
HD 32	151	293	
HD 33	198	460	
HD 34	153	382	
HD 35	227	364	
HD 36	202	323	
HD 37	180	280	
HD 38	146	221	
HD 39	217	318	
HD 40	145	147	

24/40 DISTRICTS
MET THE 7%
REQUIREMENT

	# VOTERS	
	VOTING	
	2000	
	GENERAL	7 PERCENT
HD 1	6492	454.44
HD 2	7212	504.84
HD 3	7766	543.62
HD 4	7463	522.41
HD 5	6170	431.9
HD 6	5889	412.23
HD 7	8338	583.66
HD 8	7525	526.75
HD 9	6504	455.28
HD 10	8477	593.39
HD 11	6500	455
HD 12	7109	497.63
HD 13	7445	521.15
HD 14	5040	352.3
HD 15	5259	368.13
HD 16	4107	287.49
HD 17	7142	499.94
HD 18	9479	663.53
HD 19	7217	505.19
HD 20	6365	445.55
HD 21	6027	421.89
HD 22	8058	564.06
HD 23	4213	294.91
HD 24	7538	527.66
HD 25	7780	544.6
HD 26	7918	554.26
HD 27	9942	695.94
HD 28	10431	730.17
HD 29	8338	583.66
HD 30	5465	382.55
HD 31	5355	374.85
HD 32	5196	363.72
HD 33	8045	563.15
HD 34	6709	469.53
HD 35	6028	421.96
HD 36	5299	370.93
HD 37	4887	342.09
HD 38	4825	337.75
HD 39	4957	346.99
HD 40	3104	217.28

	# VOTERS	
	VOTING	
	2000	
	GENERAL	7 PERCENT
HD 1	6492	454.44
HD 2	7212	504.84
HD 3	7766	543.62
HD 4	7463	522.41
HD 5	6170	431.9
HD 6	5889	412.23
HD 7	8338	583.66
HD 8	7525	526.75
HD 9	6504	455.28
HD 10	8477	593.39
HD 11	6500	455
HD 12	7109	497.63
HD 13	7445	521.15
HD 14	5040	352.8
HD 15	5259	368.13
HD 16	4107	287.49
HD 17	7142	499.94
HD 18	9479	663.53
HD 19	7217	505.19
HD 20	6365	445.55
HD 21	6027	421.89
HD 22	8058	564.06
HD 23	4213	294.91
HD 24	7538	527.66
HD 25	7780	544.6
HD 26	7918	554.26
HD 27	9942	695.94
HD 28	10431	730.17
HD 29	8338	583.66
HD 30	5465	382.55
HD 31	5355	374.85
HD 32	5196	363.72
HD 33	8045	563.15
HD 34	6709	469.63
HD 35	6028	421.96
HD 36	5299	370.93
HD 37	4887	342.09
HD 38	4825	337.75
HD 39	4957	346.99
HD 40	3104	217.28

ID: OOGAME
 TYPE: OTHER

NAME: A REFERENDUM PETITION TO REPEAL CHAPTER 20 SLA 2000 "AN ACT RELATING
 TO MANAGEMENT OF GAME." (PASSED ON OOGENR BALLOT)

NUMBER OF DISTRICTS IN STATE: 40
 NUMBER OF DISTRICTS REQUIRED: 27
 NUMBER OF DISTRICTS WITH SIGNATURES: 41

QUALIFIED SIGNATURES BY DISTRICT:	DIST	SIGNATURES
	1	119
	2	143
	3	1056
	4	671
	5	309
	6	82
	7	1107
	8	441
	9	195
	10	1006
	11	942
	12	898
	13	1399
	14	580
	15	1181
	16	942
	17	973
	18	1469
	19	1030
	20	983
	21	1091
	22	1049
	23	476
	24	834
	25	766
	26	574
	27	650
	28	622
	29	740
	30	423
	31	11
	32	275
	33	433
	34	362
	35	163
	36	138
	37	155
	38	90
	39	120
	40	75
	88	

TOTAL BOOKLETS ISSUED:	859
TOTAL BOOKLETS RECEIVED:	533
TOTAL BOOKLETS ENTERED:	524
TOTAL SIGNATURES REQUIRED:	0
TOTAL QUALIFIED:	24977
TOTAL UNQUALIFIED:	10288
TOTAL POTENTIAL SIGNATURES:	40068
TOTAL NOT YET PROCESSED:	0

ID: 99PTAR
TYPE: INITIATIVE

NAME: AN ACT PROVIDING PROPERTY TAX AND ASSESSMENT REFORM

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT:	DIST	SIGNATURES
	1	29
	2	34
	3	45
	4	45
	5	56
	6	117
	7	618
	8	587
	9	342
	10	1304
	11	1188
	12	1100
	13	958
	14	687
	15	860
	16	968
	17	1419
	18	1447
	19	1363
	20	951
	21	1071
	22	1228
	23	682
	24	1162
	25	1361
	26	1374
	27	2142
	28	1587
	29	310
	30	290
	31	302
	32	187
	33	405
	34	230
	35	293
	36	203
	37	191
	38	259
	39	235
	40	161

ID: 99PRVT
TYPE: INITIATIVE

NAME: INITIATIVE IMPLEMENTING ALTERNATIVE VOTING ELECTORAL SYSTEM
(CERTIFIED FOR 02PRIM ELECTION)

TOTAL BOOKLETS ISSUED:	594
TOTAL BOOKLETS RECEIVED:	321
TOTAL BOOKLETS ENTERED:	299
TOTAL SIGNATURES REQUIRED:	22716
TOTAL QUALIFIED:	22841
TOTAL UNQUALIFIED:	7865
TOTAL POTENTIAL SIGNATURES:	35046
TOTAL NOT YET PROCESSED:	0

NUMBER OF DISTRICTS IN STATE:	40
NUMBER OF DISTRICTS REQUIRED:	27
NUMBER OF DISTRICTS WITH SIGNATURES:	40

QUALIFIED SIGNATURES BY DISTRICT:	DIST	SIGNATURES
	1	34
	2	44
	3	148
	4	135
	5	64
	6	85
	7	821
	8	827
	9	938
	10	1013
	11	925
	12	845
	13	796
	14	605
	15	787
	16	1005
	17	1125
	18	1208
	19	1088
	20	853
	21	995
	22	947
	23	522
	24	843
	25	754
	26	928
	27	1148

QUALIFIED SIGNATURES BY DISTRICT:	DIST	SIGNATURES
	28	1089
	29	349
	30	211
	31	255
	32	140
	33	235
	34	162
	35	216
	36	181
	37	145
	38	109
	39	121
	40	145

ID: 99HEMP
TYPE: INITIATIVE

NAME: AN ACT TO RE-LEGALIZE HEMP

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT:	DIST	SIGNATURES
	1	45
	2	56
	3	230
	4	181
	5	80
	6	331
	7	422
	8	447
	9	281
	10	885
	11	1069
	12	900
	13	1276
	14	647
	15	1352
	16	1426
	17	1187
	18	1286
	19	1202
	20	1051
	21	1181
	22	803
	23	570
	24	778
	25	899
	26	1007
	27	1415
	28	1378
	29	265
	30	218
	31	238
	32	148
	33	333
	34	205
	35	218
	36	288
	37	285
	38	214
	39	209
	40	194

ID: 99WAGE
 TYPE: INITIATIVE

NAME: AN ACT TO INCREASE ALASKA'S MINIMUM WAGE.

NUMBER OF DISTRICTS IN STATE: 40
 NUMBER OF DISTRICTS REQUIRED: 27
 NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT:	DIST	SIGNATURES
	1	231
	2	57
	3	603
	4	528
	5	142
	6	82
	7	335
	8	371
	9	404
	10	498
	11	555
	12	520
	13	553
	14	482
	15	599
	16	832
	17	651
	18	572
	19	713
	20	577
	21	937
	22	701
	23	535
	24	700
	25	670
	26	642
	27	632
	28	803
	29	712
	30	618
	31	669
	32	319
	33	656
	34	295
	35	204
	36	409
	37	232
	38	145
	39	188
	40	151

VREMS TIME: 11:21:29.5
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 97TRAP

DATE: 04/26/99
PAGE: 21

ID: 97TRAP
TYPE: INITIATIVE

NAME: AN ACT RELATING TO THE USE OF SNARES IN TRAPPING WOLVES

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 41

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	48
2	475
3	1354
4	1266
5	224
6	144
7	439
8	419
9	243
10	1027
11	1096
12	1027
13	1440
14	821
15	1432
16	1402
17	1253
18	1291
19	1227
20	1182
21	1140
22	1106
23	641
24	977
25	863
26	765
27	692
28	919
29	481
30	253
31	251
32	121
33	214
34	180
35	205
36	124
37	140
38	113
39	113
40	111
88	4

TOTAL BOOKLETS ISSUED:	984
TOTAL BOOKLETS RECEIVED:	570
TOTAL BOOKLETS ENTERED:	553
TOTAL SIGNATURES REQUIRED:	24521
TOTAL QUALIFIED:	27224
TOTAL UNQUALIFIED:	11196
TOTAL POTENTIAL SIGNATURES:	44190
TOTAL NOT YET PROCESSED:	0

VREMS TIME: 11:19:20.9
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 97PSDM

DATE: 04/26/99
PAGE: 13

ID: 97PSDM
TYPE: INITIATIVE

NAME: AN CT RELATING TO THE MEDICAL USES OF MARIJUANA FOR PERSONS SUFFERING
FROM DEBILITATING MEDICAL CONDITIONS

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 41

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	34
2	50
3	798
4	823
5	100
6	520
7	314
8	385
9	254
10	957
11	1070
12	1046
13	1136
14	685
15	1147
16	1369
17	1327
18	1132
19	1238
20	1068
21	1130
22	972
23	608
24	932
25	974
26	895
27	940
28	1070
29	280
30	174
31	180
32	73
33	166
34	108
35	236
36	214
37	186
38	162
39	161
40	173
88	3

TOTAL BOOKLETS ISSUED:	632
TOTAL BOOKLETS RECEIVED:	366
TOTAL BOOKLETS ENTERED:	360
TOTAL SIGNATURES REQUIRED:	24521
TOTAL QUALIFIED:	25090
TOTAL UNQUALIFIED:	7285
TOTAL POTENTIAL SIGNATURES:	35170
TOTAL NOT YET PROCESSED:	0

VREMS TIME: 11:22:16.8
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 97BILL

DATE: 04/26/99
PAGE: 15

ID: 97BILL
TYPE: INITIATIVE

NAME: AN ACT RELATING TO BILLBOARDS

TOTAL BOOKLETS ISSUED: 635
TOTAL BOOKLETS RECEIVED: 420
TOTAL BOOKLETS ENTERED: 361

TOTAL SIGNATURES REQUIRED: 24521
TOTAL QUALIFIED: 24745
TOTAL UNQUALIFIED: 7234
TOTAL POTENTIAL SIGNATURES: 38934
TOTAL NOT YET PROCESSED: 0

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	31
2	103
3	631
4	409
5	163
6	101
7	1095
8	540
9	346
10	1162
11	1030
12	1017
13	1570
14	553
15	1043
16	587
17	1011
18	1640
19	1069
20	1032
21	1002
22	1143
23	454
24	1072
25	995
26	940
27	1181

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

28	851
29	419
30	147
31	150
32	58
33	148
34	98
35	297
36	124
37	113
38	126
39	112
40	182

ID: 97ENGL
 TYPE: INITIATIVE

NAME: AN INITIATIVE ADOPTING ENGLISH AS THE OFFICIAL LANGUAGE OF ALASKA
 (INITIATIVE PASSED ON 11/3/98 BALLOT)

NUMBER OF DISTRICTS IN STATE: 40
 NUMBER OF DISTRICTS REQUIRED: 27
 NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	24
2	27
3	36
4	36
5	25
6	115
7	504
8	855
9	588
10	1090
11	1003
12	980
13	1013
14	645
15	1077
16	1099
17	1228
18	1096
19	1163
20	1142
21	1027
22	995
23	614
24	871
25	1006
26	1033
27	1053
28	998
29	407
30	393
31	425
32	284
33	465
34	312
35	271
36	136
37	124
38	87
39	152
40	125

TOTAL BOOKLETS ISSUED:	970
TOTAL BOOKLETS RECEIVED:	495
TOTAL BOOKLETS ENTERED:	491
TOTAL SIGNATURES REQUIRED:	24521
TOTAL QUALIFIED:	24525
TOTAL UNQUALIFIED:	7517
TOTAL POTENTIAL SIGNATURES:	36450
TOTAL NOT YET PROCESSED:	0

ID: 97TERM
TYPE: INITIATIVE

NAME: AN ACT REQUIRING BALLOT INFORMATION PERTAINING TO LEGISLATIVE AND CONGRESSIONAL TERM LIMITS

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 41

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	28
2	52
3	678
4	746
5	91
6	540
7	421
8	508
9	808
10	958
11	979
12	935
13	966
14	745
15	934
16	1154
17	1193
18	972
19	1105
20	954
21	1098
22	985
23	677
24	1053
25	1059
26	870
27	963
28	1006
29	302
30	193
31	205
32	151
33	198
34	153
35	227
36	202
37	180
38	146
39	217
40	145
88	1

TOTAL BOOKLETS ISSUED:	571
TOTAL BOOKLETS RECEIVED:	324
TOTAL BOOKLETS ENTERED:	321
TOTAL SIGNATURES REQUIRED:	24521
TOTAL QUALIFIED:	24798
TOTAL UNQUALIFIED:	5976
TOTAL POTENTIAL SIGNATURES:	33498
TOTAL NOT YET PROCESSED:	0

VREMS TIME: 11:20:59.7
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 95HUNT

DATE: 05/06/99
PAGE: 13

ID: 95HUNT
TYPE: INITIATIVE

NAME: AN ACT RELATING TO THE SAME-DAY AIRBORNE HUNTING OF CERTAIN ANIMALS

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	275
2	343
3	2355
4	1718
5	332
6	82
7	544
8	302
9	260
10	811
11	892
12	794
13	995
14	541
15	965
16	774
17	907
18	1059
19	906
20	903
21	841
22	893
23	411
24	758
25	639
26	457
27	380
28	537
29	298
30	100
31	84
32	33
33	116
34	110
35	203
36	98
37	96
38	86
39	85
40	91

TOTAL BOOKLETS ISSUED:	517
TOTAL BOOKLETS RECEIVED:	329
TOTAL BOOKLETS ENTERED:	328
TOTAL SIGNATURES REQUIRED:	21667
TOTAL QUALIFIED:	22074
TOTAL UNQUALIFIED:	9817
TOTAL POTENTIAL SIGNATURES:	34290
TOTAL NOT YET PROCESSED:	0

VREMS TIME: 11:20:26.9
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 95FISH

DATE: 05/06/99
PAGE: 8

ID: 95FISH
TYPE: INITIATIVE

NAME: AN ACT RELATING TO THE MANAGEMENT OF SALMON

TOTAL BOOKLETS ISSUED: 305
TOTAL BOOKLETS RECEIVED: 211
TOTAL BOOKLETS ENTERED: 209

TOTAL SIGNATURES REQUIRED: 21667
TOTAL QUALIFIED: 21697
TOTAL UNQUALIFIED: 4641
TOTAL POTENTIAL SIGNATURES: 27450
TOTAL NOT YET PROCESSED: 0

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	27
2	38
3	54
4	59
5	28
6	90
7	171
8	334
9	199
10	1219
11	1116
12	1190
13	963
14	640
15	816
16	743
17	1237
18	1286
19	1227
20	1067
21	902
22	1084
23	513
24	995
25	998
26	1045
27	1315

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

28	1140
29	83
30	60
31	73
32	40
33	70
34	61
35	177
36	131
37	134
38	132
39	141
40	99

VREMS TIME: 11:19:57.9
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 95CFPO

DATE: 05/06/99
PAGE: 13

ID: 95CFPO
TYPE: INITIATIVE

NAME: AN INITIATIVE RELATING TO CAMPAIGN FINANCING AND THE ALASKA PUBLIC
OFFICES COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

TOTAL BOOKLETS ISSUED: 580
TOTAL BOOKLETS RECEIVED: 331
TOTAL BOOKLETS ENTERED: 306

TOTAL SIGNATURES REQUIRED: 21667
TOTAL QUALIFIED: 22764
TOTAL UNQUALIFIED: 7371
TOTAL POTENTIAL SIGNATURES: 33786
TOTAL NOT YET PROCESSED: 0

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	116
2	256
3	1472
4	857
5	296
6	97
7	520
8	354
9	230
10	933
11	954
12	909
13	1202
14	484
15	931
16	580
17	912
18	1144
19	868
20	858
21	803
22	884
23	378
24	759
25	770
26	739
27	905

28	805
29	599
30	247
31	222
32	110
33	301
34	118
35	343
36	211
37	136
38	110
39	279
40	102

ID: 95BITL
TYPE: INITIATIVE

NAME: AN ACT REQUIRING BALLOT INFORMATION PERTAINING TO CONGRESSIONAL TERM
LIMIT VOTING RECORDS AND CERTAIN ACTS OR OMISSIONS OF CANDIDATES..

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	19
2	33
3	50
4	48
5	41
6	153
7	1006
8	926
9	1049
10	957
11	908
12	871
13	780
14	674
15	676
16	733
17	1071
18	1087
19	1003
20	842
21	755
22	849
23	521
24	801
25	766
26	641
27	857
28	640
29	603
30	417
31	296
32	216
33	325
34	283
35	272
36	176
37	129
38	159
39	187
40	138

TOTAL BOOKLETS ISSUED:	376
TOTAL BOOKLETS RECEIVED:	193
TOTAL BOOKLETS ENTERED:	191
TOTAL SIGNATURES REQUIRED:	21667
TOTAL QUALIFIED:	21958
TOTAL UNQUALIFIED:	3208
TOTAL POTENTIAL SIGNATURES:	26676
TOTAL NOT YET PROCESSED:	236

ID: 93MCA
TYPE: INITIATIVE

NAME: PROPOSED BILL: SHALL THE CAPITAL OF ALASKA BE CHANGED TO WASILLA?
MEASURE FAILED ON 11/8/94 BALLOT

TOTAL BOOKLETS ISSUED: 488
TOTAL BOOKLETS RECEIVED: 375
TOTAL BOOKLETS ENTERED: 374

TOTAL SIGNATURES REQUIRED: 26143
TOTAL QUALIFIED: 26150
TOTAL UNQUALIFIED: 7724
TOTAL POTENTIAL SIGNATURES: 36954
TOTAL NOT YET PROCESSED: 0

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	16
2	21
3	14
4	13
5	15
6	83
7	284
8	404
9	474
10	1182
11	1248
12	1259
13	1104
14	720
15	998
16	832
17	1200
18	1211
19	1173
20	1162
21	1038
22	1126
23	491
24	1120
25	1285
26	2096
27	1994

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

28	2027
29	81
30	128
31	73
32	40
33	79
34	91
35	332
36	245
37	155
38	89
39	124
40	123

VREMS TIME: 11:18:15.4
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 93LMIT

DATE: 05/06/99
PAGE: 23

ID: 93LMIT
TYPE: INITIATIVE

NAME: AN ACT LIMITING CURRENT OR FORMER INCUMBENT CONGRESSIONAL BALLOT
ACCESS.-(INITIATIVE PASSED ON 11/8/94 BALLOT)

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT:	DIST	SIGNATURES
	1	26
	2	55
	3	480
	4	692
	5	81
	6	151
	7	592
	8	686
	9	1038
	10	1401
	11	1162
	12	1104
	13	1126
	14	751
	15	942
	16	743
	17	1214
	18	1414
	19	1165
	20	1087
	21	951
	22	1097
	23	458
	24	1083
	25	920
	26	864
	27	713
	28	754
	29	541
	30	461
	31	410
	32	317
	33	528
	34	390
	35	372
	36	282
	37	153
	38	120
	39	142
	40	155

TOTAL BOOKLETS ISSUED:	1249
TOTAL BOOKLETS RECEIVED:	775
TOTAL BOOKLETS ENTERED:	778
TOTAL SIGNATURES REQUIRED:	26143
TOTAL QUALIFIED:	26621
TOTAL UNQUALIFIED:	8556
TOTAL POTENTIAL SIGNATURES:	38322
TOTAL NOT YET PROCESSED:	0

VREMS TIME: 11:17:43.9
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 93COST

DATE: 05/06/99
PAGE: 20

ID: 93COST
TYPE: INITIATIVE

NAME: AN ACT RELATING TO THE RELOCATION OF THE ALASKA LEGISLATURE OR CAPITAL
OF ALASKA-- INITIATIVE PASSED ON 11/8/94 BALLOT

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 40

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	2579
2	2220
3	5672
4	5246
5	1837
6	307
7	84
8	106
9	108
10	352
11	372
12	337
13	390
14	185
15	313
16	222
17	291
18	371
19	280
20	307
21	229
22	266
23	107
24	237
25	240
26	219
27	202
28	230
29	1059
30	652
31	654
32	338
33	686
34	384
35	414
36	123
37	75
38	122
39	84
40	83

TOTAL BOOKLETS ISSUED:	889
TOTAL BOOKLETS RECEIVED:	655
TOTAL BOOKLETS ENTERED:	666
TOTAL SIGNATURES REQUIRED:	26143
TOTAL QUALIFIED:	27983
TOTAL UNQUALIFIED:	7457
TOTAL POTENTIAL SIGNATURES:	41328
TOTAL NOT YET PROCESSED:	0

VRENS TIME: 11:17:04.9
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 89TELE

DATE: 05/06/99
PAGE: 20

ID: 89TELE
TYPE: INITIATIVE

NAME: AN ACT RELATING TO INTRASTATE LONG-DISTANCE TELEPHONE COMPETITION
CERTIFIED FOR 1990 GENERAL ELECTION BALLOT.

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 27

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	91
2	71
3	50
4	1663
5	907
6	191
7	642
8	1426
9	1684
10	1556
11	800
12	923
13	747
14	1079
15	1498
16	2719
17	265
18	1040
19	886
20	1461
21	844
22	59
23	228
24	105
25	49
26	94
27	60

TOTAL BOOKLETS ISSUED:	964
TOTAL BOOKLETS RECEIVED:	583
TOTAL BOOKLETS ENTERED:	351
TOTAL SIGNATURES REQUIRED:	20343
TOTAL QUALIFIED:	21138
TOTAL UNQUALIFIED:	8819
TOTAL POTENTIAL SIGNATURES:	58428
TOTAL NOT YET PROCESSED:	0

END OF REPORT - GPVR100P-R1

VREMS TIME: 11:16:12.4
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 89ALAS

DATE: 05/06/99
PAGE: 21

ID: 89ALAS
TYPE: INITIATIVE

NAME: AN ACT RELATING TO THE CREATION OF COMPETITIVE LONG DISTANCE TELEPHONE
SERVICES WITHIN ALASKA. CERTIFIED FOR 1990 GENERAL ELECTION BALLOT.

TOTAL BOOKLETS ISSUED: 1281
TOTAL BOOKLETS RECEIVED: 423
TOTAL BOOKLETS ENTERED: 414

TOTAL SIGNATURES REQUIRED: 20343
TOTAL QUALIFIED: 22915
TOTAL UNQUALIFIED: 9517
TOTAL POTENTIAL SIGNATURES: 36108
TOTAL NOT YET PROCESSED: 0

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 27

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	770
2	260
3	34
4	1000
5	1068
6	468
7	1000
8	2135
9	1758
10	2106
11	1304
12	1249
13	1429
14	1839
15	1955
16	1808
17	192
18	372
19	349
20	579
21	399
22	147
23	100
24	140
25	118
26	201
27	135

VREMS TIME: 11:15:21.1
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 88MARI

DATE: 05/06/99
PAGE: 19

ID: 88MARI
TYPE: INITIATIVE

NAME: AN ACT RELATING TO REPEAL OF PERSONAL USE OF MARIJUANA
CERTIFIED FOR 1990 GENERAL ELECTION BALLOT.

TOTAL BOOKLETS ISSUED: 1030
TOTAL BOOKLETS RECEIVED: 497
TOTAL BOOKLETS ENTERED: 369

TOTAL SIGNATURES REQUIRED: 20343
TOTAL QUALIFIED: 21439
TOTAL UNQUALIFIED: 7568
TOTAL POTENTIAL SIGNATURES: 42408
TOTAL NOT YET PROCESSED: 0

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 27

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	2080
2	383
3	297
4	1893
5	467
6	283
7	558
8	1417
9	1584
10	1073
11	479
12	570
13	819
14	1426
15	1254
16	1086
17	279
18	1334
19	946
20	1510
21	860
22	238
23	201
24	149
25	161
26	50
27	33

VREMS TIME: 11:14:36.5
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 87TOR2

DATE: 05/06/99
PAGE: 24

ID: 87TOR2
TYPE: INITIATIVE

NAME: AN ACT RELATING TO CIVIL LIABILITY---(REVISED APPLICATION)
CERTIFIED FOR 1988 GENERAL ELECTION

TOTAL BOOKLETS ISSUED: 1110
TOTAL BOOKLETS RECEIVED: 741
TOTAL BOOKLETS ENTERED: 720

TOTAL SIGNATURES REQUIRED: 18253
TOTAL QUALIFIED: 18476
TOTAL UNQUALIFIED: 6291
TOTAL POTENTIAL SIGNATURES: 31662
TOTAL NOT YET PROCESSED: 0

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 27

QUALIFIED SIGNATURES BY DISTRICT:	DIST	SIGNATURES
	1	621
	2	224
	3	236
	4	575
	5	681
	6	429
	7	721
	8	1783
	9	1684
	10	1310
	11	686
	12	959
	13	652
	14	1292
	15	1115
	16	2762
	17	170
	18	226
	19	406
	20	531
	21	464
	22	154
	23	58
	24	34
	25	227
	26	199
	27	277

ID: 87GAMB
TYPE: INITIATIVE

NAME: AN ACT RE REGULATION OF GAMBLING AND ESTABLISHING A GAMBLING BOARD
CERTIFIED FOR THE 1990 PRIMARY ELECTION BALLOT.

TOTAL BOOKLETS ISSUED: 597
TOTAL BOOKLETS RECEIVED: 303
TOTAL BOOKLETS ENTERED: 303

TOTAL SIGNATURES REQUIRED: 18253
TOTAL QUALIFIED: 18461
TOTAL UNQUALIFIED: 8654
TOTAL POTENTIAL SIGNATURES: 29214
TOTAL NOT YET PROCESSED: 0

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 27

QUALIFIED SIGNATURES BY DISTRICT:	DIST	SIGNATURES
	1	151
	2	37
	3	104
	4	612
	5	580
	6	460
	7	544
	8	1170
	9	1256
	10	1348
	11	1001
	12	1278
	13	1399
	14	1287
	15	1685
	16	2411
	17	332
	18	555
	19	366
	20	925
	21	375
	22	74
	23	44
	24	104
	25	58
	26	102
	27	203

ID: 87CCCA
TYPE: INITIATIVE

NAME: INIT. TO ESTABLISH AN INDEPENDENT COMMUNITY COLLEGE SYSTEM FOR ALASKA
CERTIFIED FOR 1988 GENERAL ELECTION

NUMBER OF DISTRICTS IN STATE: 40
NUMBER OF DISTRICTS REQUIRED: 27
NUMBER OF DISTRICTS WITH SIGNATURES: 27

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	521
2	64
3	172
4	133
5	429
6	148
7	966
8	2156
9	1891
10	1662
11	1188
12	1457
13	1356
14	1625
15	1460
16	1640
17	105
18	152
19	134
20	255
21	152
22	47
23	161
24	45
25	401
26	86
27	48

TOTAL BOOKLETS ISSUED:	435
TOTAL BOOKLETS RECEIVED:	230
TOTAL BOOKLETS ENTERED:	230
TOTAL SIGNATURES REQUIRED:	18253
TOTAL QUALIFIED:	18454
TOTAL UNQUALIFIED:	7336
TOTAL POTENTIAL SIGNATURES:	28512
TOTAL NOT YET PROCESSED:	16



Alaska State Legislature

Please enter into the record my testimony to the House State Affairs Committee
committee name

Committee on HB 213, dated 4-26-01
bill # / subject

I am against HB 213

This bill needlessly dilutes the constitutional powers of the people.

I believe that there has not been any past problems with trivial initiatives and there is no problem requiring this legislative "fix" or amendment.

This is a valuable and necessary power yielded by the people of this state.

This bill simply makes ballot initiatives more expensive to pursue.

For these reasons I am against this legislation.

Signed:

James Price - James Price
Testifier

Self

Representing (optional)

PO Box 7043, Nikiski, AK 99635
Address

907-776-3481
Phone number

97TERM
AN ACT REQUIRING BALLOT INFORMATION PERTAINING TO TERM LIMITS

HOUSE DISTRICT	REGISTERED	SIGNATURES	7% OF VOTES		
	VOTERS		1996 GENERAL		
HD 1	10613	28	475		24/40 DISTRICTS MET THE 7% REQUIREMENT
HD 2	11344	52	511		
HD 3	11858	678	553	X	
HD 4	11284	746	530	X	
HD 5	9887	91	424		
HD 6	9448	540	365	X	
HD 7	11136	421	513		
HD 8	10390	508	452	X	
HD 9	9319	808	406	X	
HD 10	11081	958	513	X	
HD 11	10664	979	417	X	
HD 12	10357	935	435	X	
HD 13	11225	966	501	X	
HD 14	10471	745	359	X	
HD 15	9944	934	361	X	
HD 16	8926	1154	259	X	
HD 17	11387	1193	424	X	
HD 18	11965	972	575	X	
HD 19	10759	1105	430	X	
HD 20	10510	954	425	X	
HD 21	10189	1098	401	X	
HD 22	11766	985	515	X	
HD 23	8938	677	261	X	
HD 24	11101	1053	449	X	
HD 25	10947	1059	469	X	
HD 26	10972	870	463	X	
HD 27	12064	963	548	X	
HD 28	13002	1006	539	X	
HD 29	11183	302	531		
HD 30	9932	193	388		
HD 31	10164	205	395		
HD 32	9978	151	341		
HD 33	11196	198	502		
HD 34	11603	153	425		
HD 35	9745	227	403		
HD 36	8491	202	363		
HD 37	8260	180	330		
HD 38	7781	146	343		
HD 39	8287	217	355		
HD 40	6628	145	215		

2000 GENERAL ELECTION STATISTICS

		# VOTERS	
		VOTING	
	REGISTERED	2000	
	VOTERS	GENERAL	7 PERCENT
HD 1	11180	6492	454.44
HD 2	12139	7212	504.84
HD 3	12451	7766	543.62
HD 4	12075	7463	522.41
HD 5	10537	6170	431.9
HD 6	10431	5889	412.23
HD 7	13251	8338	583.66
HD 8	12475	7525	526.75
HD 9	10562	6504	455.28
HD 10	12783	8477	593.39
HD 11	11679	6500	455
HD 12	11763	7109	497.63
HD 13	12792	7445	521.15
HD 14	12850	5040	352.8
HD 15	11950	5259	368.13
HD 16	11007	4107	287.49
HD 17	14332	7142	499.94
HD 18	14097	9479	663.53
HD 19	13397	7217	505.19
HD 20	11423	6365	445.55
HD 21	11258	6027	421.89
HD 22	13555	8058	564.06
HD 23	10907	4213	294.91
HD 24	12577	7538	527.66
HD 25	12473	7780	544.6
HD 26	13117	7918	554.26
HD 27	15269	9942	695.94
HD 28	16818	10431	730.17
HD 29	12806	8338	583.66
HD 30	10722	5465	382.55
HD 31	10701	5355	374.85
HD 32	11592	5196	363.72
HD 33	12870	8045	563.15
HD 34	13224	6709	469.63
HD 35	10623	6028	421.96
HD 36	9167	5299	370.93
HD 37	9023	4887	342.09
HD 38	8348	4825	337.75
HD 39	9268	4957	346.99
HD 40	6166	3104	217.28

[<<return to home page](#)[download table 3.1 in Word97 format](#)

Table: 3.1
(follow links below to read associated foot notes)

Signature, Geographic Distribution and Single-Subject Requirements for Direct (DA)¹ and In-direct (IDA)² Initiative Amendments; Direct (DS)³ and In-direct (IDS)⁴ Initiative Statutes

State	Type	SS ⁵	Net Signature Requirement for Constitutional Amendments	Net Signature Requirement for Statutes	Geographic Distribution	Deadline for Signature Submission	Circulation Period
AK	DS	Y	Not allowed by state constitution	10% of votes cast in last general election	At least 1 signature in 2/3 of Election Districts.	Prior to the convening of the legislature ⁶	1 year
AZ	DA/DS	Y	15% of votes cast for Governor	10% of votes cast for Governor	No geographical distribution	Four months prior to election	20 month
AR	DA/DS	N	10% of votes cast for Governor	8% of votes cast for Governor	5% in 15 of 75 counties	Four months prior to election	Unlimited
CA	DA/DS	Y	8% of votes cast for Governor	5% of votes cast for Governor	No geographical distribution	To be determined by state each year ⁷	150 day
CO	DA/DS	Y	5% of votes cast for SOS	5% of votes cast for SOS	No geographical distribution	Three months prior to election	6 month
FL	DA	Y	8% of ballots cast in the last Presidential Election	Not allowed by state constitution	8% in 12 of 23 Congressional Districts	90 days prior to election ⁸	4 years
ID	DS	N	Not allowed by state constitution	6% of registered voters	6% in each of the 22 counties	Four months prior to election	18 month
ME	IDS	N	Not allowed by state constitution	10% of votes cast for Governor	No geographical distribution	To be determined by state each year ⁹	1 year
MA	IDA/IDS	N	3% of votes cast for Governor	3 1/2% of votes cast for Governor ¹⁰	No more than 25% from a single county	To be determined each year by state ¹¹	60 days
MI	DA/IDS	N	10% of votes cast for Governor	8% of votes cast for Governor	No geographical distribution	Constitutional amendment ¹² Statute ¹³	180 day
MS	IDA	N	12% of votes cast for Governor	Not allowed by state constitution	20% from each Congressional District	90 days prior to the convening of the legislature	1 year
MO	DA/DS	Y	8% of votes cast for Governor	5% of votes cast for Governor	5% in 6 of 9 Congressional Districts	Eight months prior to election	18 month
MT	DA/DS	Y	10% of votes cast for Governor	5% of votes cast for Governor	Statute: 5% in 34 of 50 Legislative Districts Amendment: 10% in 40 of 50 Legislative Districts	Second Friday of the fourth month prior to election	1 year
NE	DA/DS	Y	10% of registered voters	7% of registered voters	5% in 38 of 93 counties	Four months prior to election	1 year
NV	DA/IDS	N	10% of registered voters	10% of votes cast in last general election	10% in 13 of 17 counties	Constitutional amendment ¹⁴ Statute ¹⁵	CA: 11 months ¹ Statute: 1 months ¹

ND	DA/DS	N	4% of population	2% of population	No geographical distribution	90 day prior to election	1 year
OH	DA/DS	Y	10% of votes cast for Governor	6% of votes cast for Governor ¹⁸	Statute: 1½% in 44 of 88 counties Amendment: 5% in 44 of 88 counties	<u>Constitutional amendment</u> ¹⁹ <u>Statute</u> ²⁰	Unlimited
OK	DA/DS	Y	15% of votes cast for Governor	8% of votes cast for Governor	No geographical distribution	<u>Eight months prior to election</u> ²¹	90 days
OR	DA/DS	Y	8% of votes cast for Governor	6% of votes cast for Governor	No geographical distribution	Four months prior to election	Unlimited
SD	DA/DS	N	10% of votes cast for Governor	5% of votes cast for Governor	No geographical distribution	<u>Constitutional amendment</u> ²² <u>Statute</u> ²³	1 year
UT	DS/IDS	N	Not allowed by state constitution	Direct statute: 10% of votes cast for Governor <u>In-direct statute: 10% of votes cast for Governor</u> ²⁴	10% in 20 of 29 counties	<u>Direct statute</u> ²⁵ <u>In-direct statute</u> ²⁶	Direct: Unlimited In-direct: Unlimited
WA	DS/IDS	Y	Not allowed by state constitution	8% of votes cast for Governor	No geographical distribution	<u>Direct statute</u> ²⁷ <u>In-direct statute</u> ²⁸	Direct: 6 months In-direct: months
WY	DS	N	Not allowed by state constitution	15% of votes cast in last general election	15 % of total votes cast in the last election from at least 2/3 of the counties	<u>One day prior to the convening of the legislature</u> ²⁹	18 months

[<<return to home page](#)

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23



FEB 19 2002

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**HB 213 ~ Initiative/Referendum Petitions
HJR 25 ~ Constitutional Amendment**

TO: House Judiciary Committee Members
FROM: Susan Schrader, Conservation Advocate
DATE: February 20, 2002

Alaska Conservation Voters is a non-profit organization dedicated to protecting Alaska's environment through public education and advocacy. Public participation in all levels of government is the hallmark of our democracy, and Alaska Conservation Voters cannot support any legislation that would limit Alaskan citizens' voice in forming the laws that govern us. Thus, we are opposed to HB 213 and HJR 25.

We agree with the sponsors that the initiative process should involve and benefit Alaskan citizens statewide, not just outside interests or certain special interest groups. However, we do not believe HB 213 and HJR 25 will achieve their desired goals. It is unlikely that raising the bar on an already arduous signature gathering process for initiatives on any subject will actually engage more Alaskans in a democratic process. More likely, the markedly burdensome requirements of HB 213 and HJR 25 will be a major disincentive for concerned Alaskans to use their constitutional rights of the initiative and referendum process.

The sound defeat in the November 2000 elections of Ballot Measure 1, to restrict the use of initiatives to make laws regulating wildlife, proved that the majority of Alaskans do not want their right to use the initiative process restricted. In a January 2002 poll of Alaskan voters conducted by Ivan Moore Research for Alaska Conservation Alliance, respondents were asked whether they favor or oppose measures that limit citizen ballot initiatives. Over 75% of respondents oppose such measures. (See attached)

Clearly, Alaskan voters want their right to petition government to remain protected and unchanged. We believe it is ill-advised for elected representatives of the citizens of Alaska to further restrict the public's right to participate in making the laws that govern them. Please oppose HB 213 and HJR 25.


Susan E. Schrader

Conserve Alaska. It's Only Natural.

EXECUTIVE SUMMARY

General findings

The results of this survey, conducted January 6th to 10th, show a very strong level of support for environmental issues in the State of Alaska and a high level of importance attached to quality of life issues related to the environment.

More than 75% of respondents feel that...

- We owe it to our children to be good stewards of our environment (96.2%)
- When it comes to protecting the environment, it matters who I vote for (94.7%)
- Being close to nature and recreational opportunities is an important part of why we live in Alaska (91.3%)
- A healthy environment is necessary for a strong economy (38.4%)
- Protecting Alaska's remaining wilderness and wildlife habitat areas is important (86.5%)
- More effort should be made to encourage economic development and jobs that do not rely on resource extraction (81.2%)
- I live in Alaska because of its healthy environment (77.4%)
- We can have a clean environment and a strong economy at the same time without having to choose one over the other (75.7%)

Clearly, a healthy clean environment is universally held to be of prime importance among voters in Alaska. What is particularly encouraging is that these issues are important to respondents when they vote, and that by and large, they don't perceive environmental issues and economic issues to be in conflict, but as ideals that can and should co-exist.

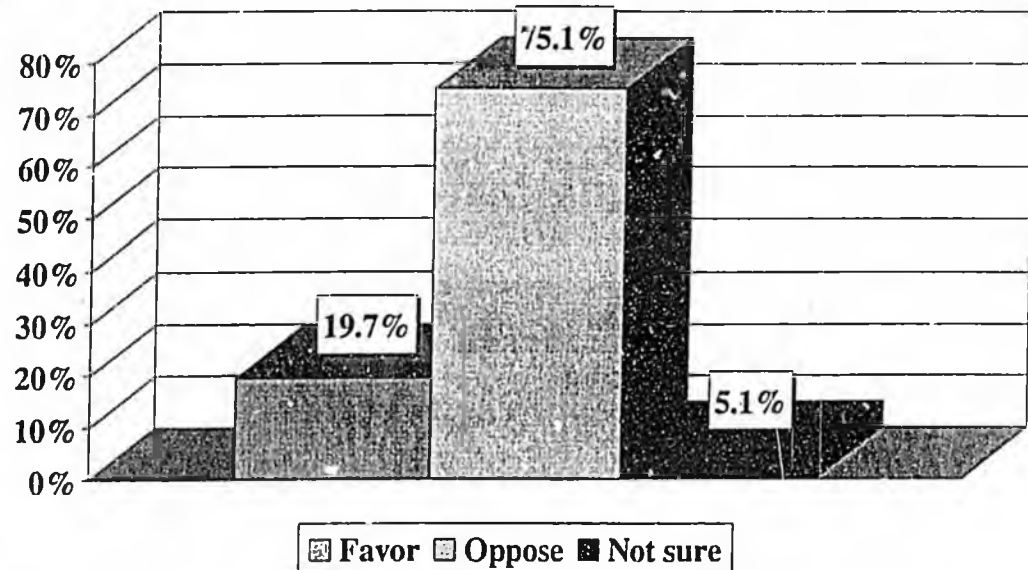
This executive summary summarizes results to this survey. Any questions concerning the contents of this report or concerning the methodology of this study can be directed to Ivan Moore at (907) 278-4600 or by e-mail at ivan@ivanmooreresearch.com

Ballot Initiatives

Respondents were asked the following question concerning efforts by the legislature to limit citizen ballot initiatives:

The Alaska legislature is considering measures that would limit citizen's ability to put initiatives on the ballot. Some people think this would take away an important right guaranteed by the Alaska Constitution. Others think this would protect us from a cluttered and confusing ballot. Do you favor or oppose measures that limit citizen ballot initiatives?

Ballot initiative measure



This is a very strong result, particularly strong considering the current issue of ballot initiative signature collectors and debate concerning their right to collect signatures. There is clearly very strong opinion among voters that the right to petition government be protected and remain unchanged.

Demographics

The average respondent in this survey...

Live in families who had participated in outdoor recreation activities (like fishing, hunting, skiing and hiking) 65 times in 2001

Has lived in Alaska just over 30 years

Is just over 50 years old

Has a 2001 household income of just over \$78,000

Just over 40% have children

Just over two-thirds are married

A 50-50 gender split was brought about through statistical weighting

By areas of Alaska, we see the following distribution:

Southeast	15.7%
Rural Alaska	8.9%
MatSu-Kenai-Valdez	20.2%
Anchorage	41.8%
Fairbanks	13.3%

Alaska State Legislature

Co-Chair
House Finance Committee
Subcommittee Chair
Environmental Conservation
Courts

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
50 Front Street, Suite 203
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-7157

Representative William K. Williams

MEMO

TO: Representative Rokeberg, Representative Ogan
Representative Meyer, Representative James,
Representative Coghill

FROM: Randy Ruaro, Staffmember, Representative Williams

RE: HB 213 / Amending the Initiative Process

Attached is a copy of the most recent pleading filed by the State of Idaho in the case *Idaho Coalition United for Bears v. Cenarusa*. The pleading sets out arguments in favor of the position that geographic signature requirements are valid. The case was cited at the last committee hearing as authority for the position that geographic signature requirements are unconstitutional.

There are additional reasons why the court's decision would not support a finding in the District Court for Alaska that HB 213's geographic signature requirement is unconstitutional. These reasons will be put on the record at the next committee meeting.

Stay. This memorandum is supported by the pleadings, memoranda, and records contained in the above captioned matter, as well as the arguments contained herein.

**I.
Introduction**

Defendant appeals this Court's memorandum decision and order only insofar as it strikes down the geographical distribution requirement contained in Idaho Code § 34-1805. Specifically, Idaho Code § 34-1805 states: "Provided, that the petition must contain a number of signatures from qualified electors from each of twenty-two (22) counties equal to not less than six percent (6%) of the qualified electors at the time of the last general election in each of those twenty-two (22) counties." In its Memorandum Decision, this Court ruled that this provision is unconstitutional. Defendant has timely appealed this decision to the Ninth Circuit. Defendant appeals on the basis that the geographic distribution requirement contained in Idaho Code § 34-1805 is a reasonable, permissible and necessary means of regulating the access of direct legislation to the ballot.

**II.
Argument**

A. Plaintiff's Incorrectly Argue That The Standard For Review Is Reversible Error.

A large amount of effort is expended by plaintiffs attempting to show defendant's failure to point to any reversible error by the Court. Reversible error is not the appropriate standard. Plaintiffs argument against a stay is based on a single sentence extracted from defendant's motion for stay. (Plaintiff's Opposition to Motion for Stay, p.4) Reading the entirety of defendant's Memorandum In Support Of Stay, it is clear

that defendant has shown that defendant believes that the Court incorrectly interpreted and applied the case law relied upon in the formation of its decision.

Plaintiffs are also incorrect because the appropriate standard of review is not "reversible error"¹ as stated in their briefing, but rather *de novo* review². No deference is afforded the lower court ruling in *de novo* review. *De novo* review means the reviewing court views the case from the same position as the district court. See Environmental Prot. Info. Ctr. v. Simpson Timber Co., 255 F.3d 1073, 1078 (9th Cir. 2001). Thus, no deference is owed to the district court. See Harman v. Apfel, 211 F.3d 1172, 1175 (9th Cir.), *cert. denied*, 121 S. Ct. 628 (2000).

B. Standard for Granting a Stay

To obtain a stay pending appeal, the moving party must demonstrate at least a fair chance of success on the merits and that the balance of hardships tips in its favor. See Artukovic v. Rison, 784 F.2d 1354, 1356 (9th Cir.1986); Gilder v. PGA Tour, Inc., 936 F.2d 417, 422 (9th Cir.1991). Defendant satisfies both elements of this test.

1. Defendant Has A Fair Chance Of Success On The Merits.

Defendant Cenarrusa, with all due respect and deference to this Court, believes that there is a strong likelihood that the District Court ruling will be overturned on appeal. There are a number of reasons for this belief, which will be discussed below.

a. The State Should Be Granted Substantial Deference In Its Means Of Regulation.

¹ It is worthy of note that plaintiffs have asked this Court to apply the same standard as the United States Supreme Court, this argument, however, is inaccurate. The U.S. Supreme Court enjoys discretionary review because it has the discretion to only grant review in those cases it deems appropriate. No such standard is at work in the instant scenario.

² Appellate review of questions of law and motions for summary judgment is conducted *de novo*. See Gibson v. County of Riverside, 132 F.3d, 1311,1312, (9th Cir. 1997); United States v. Michael R., 90 F.3d 340, 343 (9th Cir. 1996); Delta Savings bank v. United States, 265 F.3d 1017, 1021 (9th Cir. 2001)

First the initiative is a wholly state created right. As such, the state deserves substantial deference in its regulation. The U.S. Constitution grants states the power to regulate elections. U.S. Const. Art. 1 § 4, cl.1. Although the right to vote is a fundamental right under the federal constitution, Burdick v. Takushi, 504 U.S. 428, 433, 112 S.Ct. 2059, 2063, 119 L.Ed.2d 245 (1992), states have been given broad discretion in adopting legislation regulating the election process. Such regulations are accorded substantial deference. Rodriguez v. Popular Democratic Party, 457 U.S. 1, 8, 102 S.Ct. 2194, 2199, 72 L.Ed.2d 628 (1982). (emphasis added) No showing of deference, let alone substantial deference to the reasonable regulations enacted by the state affecting the initiative process, was shown or contemplated in this Court's Memorandum Decision.

b. The Court Failed To Use The Appropriate Standard Of Review

Defendant can show that this Court did not apply the appropriate standard of review. The framework for analyzing whether or not burdens arising from ballot access restrictions are impermissible under the First and Fourteenth Amendments, was outlined in Anderson v. Celebrezze, 460 U.S. 780, 103 S.Ct. 1564, 75 L.Ed.2d 547 (1983) and Burdick. Assuming arguendo that the Court was correct in application of Burdick as controlling the factors first outlined in Anderson and later amplified in Burdick must be balanced.

First, the Court must consider the character and magnitude of the plaintiff's asserted injury on her First and Fourteenth Amendment rights. Second, the Court must identify and evaluate the state's interests, which purportedly justify the burdens imposed. The Court must then determine the legitimacy and strength of those interests

and consider if those interests necessitate the burdens imposed on the plaintiffs. Anderson, 460 U.S. at 789. It follows therefore that "when a state election law provision imposes only reasonable, non-discriminatory restrictions upon the First and Fourteenth Amendment rights of voters, the state's important regulatory interests are generally sufficient to justify the restrictions." Burdick, 504 U.S. at 434, 112 S.Ct. at 2063-64. The court's Memorandum Decision and Order fails to take into account or outline how any of the above factors were either weighed or considered in its determination.

c. Additional Factors Should Have Been Weighed By The Court.

Defendant contends that many of the factors that should have been considered by the Court in making its decision were not weighed. For example, no distinction was made between the undeniable fact that each case upon which the court relied concerned ballot access restrictions for candidates as opposed to direct legislation by initiative. The Court failed to weigh any factor within its ruling other than "Illinois argued—as Idaho does here—that this restriction was designed to require statewide support rather than the support of a few populous counties." (See Memorandum Decision, ¶.) This argument is only a small portion of a much broader basis for the geographical distribution requirement. Statewide support was the only factor the court weighed in its determination that the statute at issue was unconstitutional. Not reflected within its Memorandum Decision is consideration of any additional factor, or a showing that any deference was granted to Idaho in the administration of its reasonable regulation of the direct legislation process.

d. Reasonable Checks And Balances Are Necessary

Within our system we have created a number of protections against the "unfettered excesses of democracy" *Federalist No. 10* (Madison). The framers of our Constitution specifically rejected the initiative or direct democracy as options for our nation, and instead chose a republican form of government. Within our republican form of government no one group is granted excessive power, and each grant of power is checked elsewhere with an equal grant of power to another entity. The Idaho direct legislative process mirrors our constitutional system of checks and balances.

A quick summary of our constitutional system highlights the myriad of checks and balances of powers and authority. It is possible for a candidate for president to receive a majority of the popular vote, yet lose in the Electoral College. Also, it is possible for a bill to receive 60 percent of the vote of both houses and still fail to become a law through the presidential veto. It is possible for the United States House of Representatives to unanimously approve a bill reflecting 100% of the population only to fail in the geographically assigned United States Senate. The list of these checks and balances goes on.

The framers of our Constitution recognized the inherent problems of the direct democracy just as the Idaho initiative system recognizes and checks the same. Idaho's geographical distribution requirement is simply an extension of our long history of checks and balances to the direct legislation system within Idaho.

e. Court Failed To Account For Idaho's Unique Distribution Of Population

The court fails to account for how a geographical requirement that preserves the franchise within the entire state of Idaho subverts the one-person one vote principle. First and foremost, no one is voting at the signature gathering stage of the initiative

process. Simply signing a petition does not equate to a pledge to vote for an initiative idea. The act of signature gathering is simply to show that an idea has a "significant modicum of support." Jenness v. Fortson, 403 U.S. 431, 442, 91 S.Ct. 1970, 1976, 29 L.Ed.2d 554 (1971).

Idaho is a uniquely situated state. It is a well-known fact that although Idaho has forty-four counties, the majority of the population is distributed in only a handful of those counties. Each county, regardless of population, is entitled to participate in the initiative process from idea formation to the conclusion of the election. Through the Court's ruling, a significant portion of Idaho counties have been denied the franchise because, due to the disparate distribution of population, voices and votes within the process are rendered nullities.

f. A Simple Majority Rule is Inappropriate in Idaho

It is not a far-fetched idea that within Idaho a significant body of law could emerge through the initiative process focusing solely in Ada, Canyon, Kootenai, or Bannock counties. A highly localized system of direct democracy could result in the further erosion of Idaho's rural economy. The state is responsible for protecting the health and welfare of all citizens, not simply those who reside in the most populous counties. The Idaho geographic distribution requirement insures that individuals in less populated counties enjoy the same protection as those in populated counties.

Narrowly tailored, the geographic distribution requirement is only one portion of a dual requirement. The twenty-two county requirement is balanced with the overall 6% requirement. Visiting the twenty-two least populous counties will not garner sufficient signatures to place an initiative on the ballot, just as visiting the four most populous

counties will not. The requirements balance themselves out. In order to qualify an initiative, a signature gatherer will have to visit highly populous counties as well as less densely populated counties.

2. The Balance of Hardships Favors the Defendant

The balance of hardships favors the defendant. Idaho Code § 34-1805 protects both rural and urban communities equally throughout the initiative process. The Tribal Gaming initiative is virtually qualified under the geographic distribution standard. Reducing the standard while this action is pending will result in a process that is not properly regulated.

Further, the Morgan Affidavit omits several material facts to his circulation efforts. Morgan received a certificate of review for his term limits initiative on August 23, 2001. This Court did not rule the geographic distribution unconstitutional until November 30, 2001. Mr. Morgan was operating under the former statute when he initially filed his petition with the Secretary of State, and for at least three months following issuance of the certification. Mr. Morgan cannot claim either ignorance or unforeseen hardship in the circulation of his ballot initiative petitions.

Further, defendant believes that striking down the statute, and then having the statute upheld on appeal, creates an unbalanced application of the law. Each petition that has been presented to the Idaho Secretary of State's office was presented prior to the law being struck down, therefore each circulator was aware of the requirements for ballot qualification. A single unwavering standard should govern until the conclusion of this case.

3. The Public Interest Supports A Stay

The citizens of Idaho, through their elected officials, supported the amendment of Idaho Code 34-1805. Their interest in limiting access to the ballot of every idea for a law is a valid and substantial one. Electors have an interest in protecting themselves from "laundry list" ballots.

"Laundry list ballots discourage voter participation and confuse and frustrate those who participate." See Lubin v. Panish, 415 U.S. 709, 715, 94 S.Ct. 1315, 1319-20, 39 L.Ed.2d 702 (1974). Rational results within our system are not likely to be reached if the ballot for a single office must list a dozen or more aspirants who are relatively unknown or have no prospects of success. *Id.* Similarly, Idaho voters should not be forced to vote on a significant number of ballot issues with only a small measure of highly localized support.

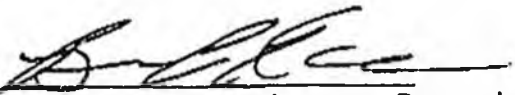
Finally, there is an "important state interest in requiring some preliminary showing of a significant modicum of support before printing the name of a political organization's candidate on the ballot—the interest, if no other, in avoiding confusion, deception, and even frustration of the democratic process at the general election." See Jenness v. Fortson, 403 U.S. 431, 442, 91 S.Ct. 1970, 1976, 29 L.Ed.2d 554 (1971). Idaho Code § 34-1805 protects the citizens of Idaho from laundry list ballots containing a myriad of initiative issues, as well as insuring that only those ideas that are well formed, widely circulated, and organized gain access to the ballot.

iii. Conclusion

For the foregoing reasons, Defendant respectfully requests that this Court grant their Motion for Stay.

DATED this 5th day of February 2002.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By: 
Brian P. Kane, Deputy Attorney General
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 5th day of February, 2002, I caused to be mailed a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, addressed to:

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