

**SB**

**14**

**Sponsor Statement, Bill, Sectional Analysis and Fact Sheet**

**SESSION ADDRESS:**  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4925  
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# **Senator Gary Stevens**

## **Alaska State Legislature**

**INTERIM ADDRESS:**  
112 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-4925  
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### **Sponsor Statement for SB 14**

Senate Bill 14: "An Act relating to municipal initiative and referendum elections."

SB 14 gives local governments the discretion to schedule special initiative and referendum elections in a more economical manner. The bill will remove the current statutory requirement in AS 29.26.170, in which municipalities *must* hold a special election for initiatives and referendums if no regular election is to occur within 75 days after certification. The bill would give the municipal governing body the flexibility to address urgent issues in a special election if it determines it is in the best interests of the municipality.

Special elections are costly and generally result in a lower voter turnout than a regular election. In 2002 the Fairbanks North Star Borough had over 46 petitions filed in a period of 4 months. Although these petitions resulted in only one special election (at a cost of \$35,000), there was the potential for additional special elections and cost to the municipality.

SB 14 may result in cost savings to municipalities who could choose to wait until the next local regular election, typically in October, to include any initiatives and referendums. This legislation would give the municipal governing body the option of calling a special election if the Council or Assembly wished to have the initiative and referendum considered in a timelier manner.

The Alaska Municipal League and numerous municipal governments support this bill. I ask for your support of this important measure.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

January 12, 2005

**SUBJECT:** Sectional summary (SB 14)

**TO:** Senator Gary Stevens  
Attn: Doug Letch

**FROM:** Tamara Brandt Cook  
Director *TBC*

Sec. 1. Requires an initiative question to be presented at the next regular or special municipal election that occurs at least 60 days after certification of the initiative petition. If no election is scheduled within 75 days after certification and the governing body determines it is in the best interest of the municipality, the governing body by ordinance may order a special election to be held.

Sec. 2. Technical correction.

Sec. 3. Requires a referendum question to be presented at the next regular or special municipal election that occurs at least 60 days after certification of the referendum petition. If no election is scheduled within 75 days after certification and the governing body determines it is in the best interest of the municipality, the governing body by ordinance may order a special election to be held.

TBC:med  
05-026.med



# Alaska State Legislature

**Senate Majority** Web: <http://www.akrepublicans.org>

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Sponsor: Senator Gary Stevens  
Current Version: SB 14  
Contact:

## Fact Sheet for: Senate Bill 14

**Short Title:** MUNICIPAL ELECTIONS

### Summary:

- Removes the requirement that municipalities hold a special election for initiatives and referendums if no regular election occurs within 75 days after certification.
- Gives municipalities the option of:
  - holding the vote at the next regular election
  - holding the vote at an already scheduled special election occurring later than 60 days after certification of the petition
  - ordering a special election if it determines it is in the best interest of the municipality and no regular election occurs within 75 days

### Benefits:

- Saves municipal governments the expense of costly special elections on every certified initiative and referendum.
- Gives municipal governing bodies the flexibility to address urgent issues in a special election if it is deemed within the best interests of the municipality.
- Maximizes local control.

### Background:

If no regular election occurs within 75 days after the certification of an initiative or referendum petition, current law mandates that the governing body hold a special election between 45 and 75 days after certification. SB 14 was introduced at the request of the Kenai Peninsula Borough clerks, with support of the Alaska Municipal League, to allow municipalities to wait until the next regular election.

In one recent year, the Fairbanks North Star Borough had a total of 46 petitions filed over a period of four months. Though these petitions resulted in only one special election (at a cost of over \$35,000), the potential exists for many more at great cost to the municipality.

The provisions in this bill do not apply to Home Rule cities.

## Fiscal Notes

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 14  
 (S) Publish Date: 2/2/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OCG  
 Title: "An Act relating to municipal RDU Elections  
initiative and referendum elections." Component: Elections  
 Sponsor: Senator Gary Stevens  
 Requester: Senate CRA Component No.: 21

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	0.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This legislation does not pertain to state conducted elections and therefore does not impose any fiscal impact on the Division of Elections.

Prepared by: Lauri Allred, Administrative Assistant Supervisor Phone: 465-5347  
 Division: Division of Elections Date/Time: 1/18/05 1:21 PM  
 Approved by: Laura A. Glaiser, Director Date: 1/18/2005  
 Agency: Division of Elections

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: SB 14  
 (S) Publish Date: 2/2/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Commerce

Title: Municipal Elections RDU: Comm Assistance & Ec Dev (405)  
 Component: Community Advocacy  
 Sponsor: Stevens G.  
 Requester: Senate Community & Regional Affairs Component No.: 2703

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: \_\_\_\_\_

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This legislation would change the process for scheduling municipal elections on voter initiatives and referendums. It would not create a fiscal impact on the operations of the department.

Prepared by: Athena Logan, Special Projects Coordinator Phone: 907.269.4540  
 Division: Community Advocacy Date/Time: 1/25/05 3:28 PM  
 Approved by: Edgar Blatchford, Commissioner Date: 1/25/2005  
 Agency: Commerce, Community & Economic Development

## Voting History

Journal Text for SB14 in the 24th Legislature



Full Journal

02-02-2005

Senate Journal

0206

SB 14

The Community and Regional Affairs Committee considered SENATE BILL NO. 14 "An Act relating to municipal initiative and referendum elections." Signing do pass: Senator Gary Stevens, Chair; Senators Wagoner, Kookesh, Stedman, Ellis.

The following fiscal information was published today: Fiscal Note No. 1, zero, Office of the Governor Fiscal Note No. 2, zero, Department of Commerce, Community, and Economic Development

The bill is on today's calendar.

Bill Root:

Display Bill Root

Next Bill

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**Journal Text for SB14 in the 24th Legislature**



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Full Journal

02-02-2005

Senate Journal

0209

SB 14

Third Reading - Final Passage

**YEAS: 16    NAYS: 0    EXCUSED: 4    ABSENT: 0**

Yeas: Bunde, Cowdery, Dyson, Ellis, Elton, French, Green, Hoffman, Huggins, Kookesh, Seekins, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Excused: Davis, Guess, Olson, Stedman

and so, SENATE BILL NO. 14 passed the Senate and was referred to the Secretary for engrossment.

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Bill Root:

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Support



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January 12, 2005

Senator Gary Stevens  
State Capitol  
Juneau, AK 99801

Dear Senator Stevens,

Re: Support for SB 14 as introduced concerning local elections:

Under the current statute, a municipality may be forced to hold a Special Election when the matter can be more efficiently and effectively put on a coming Regular Election ballot. Depending on the issue, a municipality may decide to hold a Special Election, or wait until a Regular Election. In some cases, the additional cost and timing of a Special Election may diminish voter turnout or create negative feelings about the issue. These decisions about local elections can only be made at the local level.

The AML Policy Statement adopted in November, 2004 supports SB 14 as introduced. The AML Policy Statement says "The League supports legislation that would increase the authority of local governments to conduct their own elections, including setting the date of elections."

SB 14 as introduced would allow municipalities to save money and more efficiently conduct elections by allowing municipalities to avoid holding unnecessary special elections when it is more appropriate to put the matter on a Regular Election ballot.

Thank you for introducing this important municipal legislation and for your on-going support of strong communities.

Sincerely

Scott Brandt-Erichsen  
Alaska Municipal League Legislative Committee  
Local Government and Public Services Subcommittee



## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599  
BUSINESS (907) 262-8608 FAX (907) 262-8615  
EMAIL: assemblyclerk@borough.kenai.ak.us

LINDA MURPHY, MMC  
BOROUGH CLERK

January 11, 2005

The Honorable Gary Stevens  
Alaska State Senate  
State Capitol, Room 417  
Juneau, AK 99801-1182

RE: SB 14

Dear Senator Stevens:

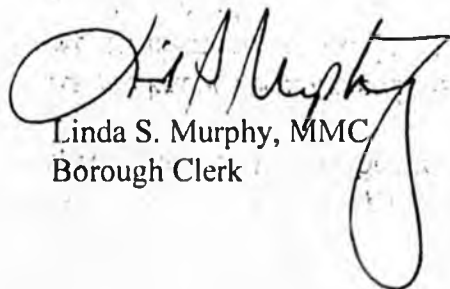
Thank you for sponsoring SB 14 which seeks to eliminate the mandate that a municipality call a special election to consider an initiative or referendum brought forward by the voters.

As you know, special elections are costly and generally result in a lower voter turnout than the regular election. In addition, most measures brought forward using the initiative or referendum process are not so pressing in nature that they could not wait for the regular municipal election. Even so, I am happy to see that there is nothing in your bill that would prohibit the governing body from calling a special election if the Council or Assembly wished to have the matter considered in a more timely manner.

In 2002, the Fairbanks North Star Borough had a total of 46 petitions filed over a period of 4 months. Although these petitions resulted in only one special election (at a cost of \$35,000), there was the potential for many more at great cost to the municipality. As funding for municipalities dwindles, many local governments can no longer afford the luxury of conducting multiple elections.

Thank you once again for your assistance. I would be happy to testify on behalf of the bill at any upcoming committee hearing.

Sincerely,



Linda S. Murphy, MMC  
Borough Clerk



# Fairbanks North Star Borough

Office of the  
Borough Clerk

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1401

Fax 907/459-1224

Email [clerks@co.fairbanks.ak.us](mailto:clerks@co.fairbanks.ak.us)

January 14, 2005

The Honorable Gary Stevens  
The Honorable Representative Paul Seaton

Dear Senator Stevens and Representative Seaton;

Re: SB 14 and HB 50 "An Act relating to municipal initiative and referendum elections":

The Fairbanks North Star Borough Assembly and Administration supports SB 14 and HB 50 "An Act relating to municipal initiative and referendum elections." In December the Borough Assembly and Mayor Jim Whitaker met with our Interior Delegation and advocated a change in state law concerning special elections held for initiative or referendum petitions that have been certified.

SB 14/HB 50 is a simple bill that helps address one small area of AS 29 that deals with local municipal special elections. It places any initiative or referendum petition that is successful in being certified to the next regular municipal election.

Conducting a special election at a different time than the regularly scheduled municipal election is expensive, time consuming and very difficult to pull together. Voter turnout is traditionally low. SB 14/HB 50 as introduced allows municipalities to save money and continue to more efficiently conduct elections

Thank you again for introducing this important legislation. If there is any additional information needed from my office, please let me know.

Sincerely,

Mona Lisa Drexler, MMC  
Municipal Borough Clerk  
Fairbanks North Star Borough

# KETCHIKAN GATEWAY BOROUGH

Office of the Borough Manager – 344 Front Street – Ketchikan, Alaska 99901  
mgr@borough.ketchikan.ak.us

Roy Eckert  
Borough Manager  
(907) 228-6625  
Fax: (907) 247-662

January 13, 2005

Senator Gary Stevens  
Alaska State Legislature  
State Capitol, Room 103  
Juneau, AK 99801-1182

Dear Senator Stevens:

The Ketchikan Gateway Borough supports passage of Senate Bill No. 14 which amends the scheduling of initiative and referendum elections. The current law requires a mandatory special election if no election occurs within 75 days after certification of a petition. This creates a financial burden for the Borough because special elections can cost upwards of \$10,000 to hold. The law also does not allow the Borough to schedule an election at a time which would allow for optimum voter turnout.

Senate Bill No. 14, as written, gives the Assembly the ability to determine whether it is in the best interest of the Borough to hold a special election. We have found that people seeking initiatives are usually willing to wait until the general election in October to have their proposition placed on the ballot. In fact, in 2003 a group sponsoring an initiative to begin the process for a charter commission worked extensively with the Borough Clerk to assure that a special election was not necessary.

Let me know what else we can do to assist you in passage of this bill. It benefits the communities of Alaska without hampering the initiative and referendum process.

Sincerely,



Roy Eckert  
Borough Manager

c: Borough Mayor and Assembly



ADOPTED AUGUST 1972  
January 27, 2005

## CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99529 (907) 874-2381  
FAX: (907) 874-3952

Senator Gary Stevens  
Alaska State Senate  
State Capitol, Room 203  
Juneau, AK 99801-1182

Re: Senate Bill #14

Dear Senator Stevens:

Thank you for introducing and sponsoring Senator Bill #14. As election supervisor for the City of Wrangell, I support this bill relating to municipal initiative and referendum elections.

As you know, the City of Wrangell is a home-rule municipality and currently practices a similar concept as being proposed through our city charter and city code, however there are other municipalities within the state of Alaska that need this change within our legislature to help alleviate the serious problem of spending thousands of dollars to conduct special elections due to not being able to wait for a regular election. Your bill would help those communities.

Thank you for the opportunity to let me comment on this most important act.

Respectfully yours,

A handwritten signature in cursive script that reads "Christie L. Jamieson".

Christie L. Jamieson, CMC  
City Clerk



**OFFICE OF THE MUNICIPAL CLERK/  
ELECTION OFFICIAL**

155 S. Seward St., Room 202  
Phone: (907)586-5278 Fax: (907)586-4552  
eMail: Laurie\_Sica@ci.juneau.ak.us

January 27, 2005

Senator Gary Stevens  
Alaska Senate  
State Capitol, Room 103  
Juneau, AK 99801-1182

Re: Senate Bill 14

Dear Senator Stevens,

Thank you for the opportunity for a hearing on SB14. I appreciate your interest in this issue.

SB14 will provide local elected officials with an opportunity to debate the merits of placing an initiative or referendum on a special election schedule or adding it to a regularly scheduled election ballot. It will not prevent an initiative or referendum from going to a vote of the people, it will only effect the timing of the vote.

In June 2003, the City and Borough of Juneau held a special election at the call of the Assembly, to bond for additional funds to build a new high school. It was the Assembly's decision that the matter could not wait for the October regular election.

In June 2004, a citizen's initiative was certified to prevent CBJ from proceeding with construction of the new high school until it could be demonstrated that the project could be constructed within the original design specifications and budget proposed in 1999. The Assembly allowed the measure to proceed to a special election, in order to prevent further delay to the school construction schedule.

In both cases, the Assembly determined that the cost of a special election was outweighed by the cost of delay of a decision by the citizens. However, the Assembly did not have a complete choice in the case of the 2004 initiative. The CBJ charter mandates a special election shall be held within 60 days if the Assembly fails to enact a measure substantially similar to an initiated measure or to repeal a referred measure. In the case of an initiated or referred matter that could wait (for example, if citizens requested to repeal the "no-smoking" ordinance, which had a significant public comment period and public debate) SB 14 would provide a City Council or Assembly with the opportunity to place the measure on the next regularly scheduled election, saving public funds in the process.

I encourage you to allow SB 14 to proceed through the legislative process without amendment. I would like to see a similar amendment made to the CBJ home rule charter. A change to the state statutes will facilitate a discussion on this issue at the local level.

Please contact me if I can be of any assistance.

Sincerely,

Laurie Sica, CMC  
Municipal Clerk/Election Official  
City and Borough of Juneau, Alaska

