

SB

172

ALASKA STATE LEGISLATURE

SENATOR
Gene Therriault
119 N. Cushman Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
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While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
FAX (907) 465-3884

Senate
Senate District F

Senate Bill 172

"An Act relating to the presentation
of initiatives and referenda on the ballot."

SPONSOR: Senator Gene Therriault

SPONSOR STATEMENT:

AS 15.45.180(a) currently provides that once an initiative petition is certified as containing the number of valid signatures required for placement on the ballot, the lieutenant governor shall prepare both a ballot title and a proposition for the election ballot. The same mechanism applies at AS 15.45.410(a) for referenda. Under existing law, the ballot title must indicate the "general subject of the proposition," and may not exceed six words. The proposition must give a "true and impartial summary" of the proposed law, in not more than 100 words.

With the increasing complexity of laws being proposed by initiative, it is difficult to provide an accurate description of the contents of a proposed law in only six words. Likewise, the Legislature is currently taking on more controversial and complex legislation that some voter groups may attempt to overturn through use of the referendum.

The current word length limitations on ballot titles contributes to the likelihood that voters will not fully understand the scope and effect of initiative propositions and referenda that are placed before them. Allowing the lieutenant governor up to 25 words for the ballot title will provide the opportunity for a more accurate description of the contents of the proposed law.



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Gene Therriault

Current Version: SB 172

Contact: Joseph Balash, 465-4797

Fact Sheet for: Senate Bill 172

Short Title: INITIATIVE/REFERENDUM BALLOT SUMMARY

Summary:

- Increases the word limit for initiative and referenda ballot titles from six words to 25 words.

Benefits:

- Provides the opportunity for a more accurate description of laws proposed by initiative or potentially overturned by referenda.

Background:

- AS 15.45.180(a) currently provides that once an initiative petition is certified as containing the number of valid signatures required for placement on the ballot, the lieutenant governor shall prepare both a ballot title and a proposition for the election ballot. The same mechanism applies at AS 15.45.410(a) for referenda. Under existing law, the ballot title must indicate the "general subject of the proposition," and may not exceed six words. The proposition must give a "true and impartial summary" of the proposed law, in not more than 100 words.

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**STATE OF ALASKA
SAMPLE BALLOT
GENERAL ELECTION - NOVEMBER 2, 2004**

Completely fill in the oval opposite the name of each candidate or question for whom you wish to vote.

BALLOT MEASURES

**BALLOT MEASURE NO. 1
House Joint Resolution No. 5
Signatures for Initiative and Referendum
Petitions**

This amendment changes how to gather signatures for an initiative or referendum petition. It requires signatures from more of the voting districts in the State. It says that signers must be from at least 30 of the 40 house districts, three more than now required. It further requires signatures from each of 30 districts to be at least equal to seven percent of the voters who voted in each of these districts in the last general election. Currently only one signer from a district satisfies the requirement for district participation. The total number of statewide signatures required does not change.

Should this constitutional amendment be adopted?

- YES
 NO

**BALLOT MEASURE NO. 2
Initiative to Legalize Marijuana
01MRNA**

This bill would remove civil and criminal penalties under state law for persons 21 years or older who grow, use, sell or give away marijuana or hemp products. State or local government could not require a permit or license for personal cultivation or distribution of marijuana but could regulate marijuana like alcohol or tobacco. It removes all existing state restrictions on prescription of marijuana by a doctor for all patients, including children. It allows for laws limiting marijuana use in public and to protect public safety.

Should this initiative become law?

- YES
 NO

**BALLOT MEASURE NO. 3
Prohibiting Bear Baiting or Feeding
03BEAR**

This bill would make it illegal for a person to bait or intentionally feed a bear to hunt, photograph, or view a bear. A person could not feed a bear on purpose or use any item or substance, including food or other edible matter to entice a bear into an area, or to stay in an area. A person who violates this law would be guilty of a Class A misdemeanor, punishable by up to one-year imprisonment and a fine of up to \$10,000.

Should this initiative become law?

- YES
 NO

**BALLOT MEASURE NO. 4
Temporary Replacement of U.S. Senator
03SENV**

This measure would repeal state law by which the Governor makes a temporary appointment of a person to fill a U. S. Senate vacancy until a special or regular election can be held. Under existing law the seat remains vacant until an appointment is made. Under the initiative the seat would remain vacant until the election is certified and the senate meets. Existing law provides that a special election will be held within 60 to 90 days to fill a vacancy unless the vacancy occurs within 60 days of the primary election for that seat. This initiative does not change that provision.

Should this initiative become law?

- YES
 NO

Sample Ballot

Ballot Measures

BALLOT MEASURES

BALLOT MEASURE NO. 1 Constitutional Convention Question

Shall there be a Constitutional Convention?

YES

NO

BALLOT MEASURE NO. 2 Initiative Moving Location of Legislative Sessions 01CHGE

This bill would move all sessions of the state legislature to the Matanuska Susitna (Mat-Su) Borough. If facilities fit for these sessions can not be found in that borough, sessions would be held in Anchorage until facilities are available in the Mat-Su Borough. The bill would repeal the requirements that before the state can spend money to move the legislature, the voters must be informed of the total costs as would be determined by a commission, and approve a bond issue for all bondable costs of the move.

Should this initiative become law?

YES

NO

BALLOT MEASURE NO. 3 Initiative on Gas Pipeline Development Authority 01GSLN

This bill would create the Alaska Natural Gas Development Authority (Authority) as a public corporation of the State. The Authority would acquire and condition North Slope natural gas, and construct a pipeline to transport the gas. The Authority's powers would include buying property or taking it by eminent domain, and to issue state tax-exempt revenue bonds. The gasline route would be from Prudhoe Bay to tidewater on Prince William Sound and the spur line from Glennallen to the Southcentral gas distribution grid. The Authority would operate and maintain the gas pipeline, ship the gas, and market the gas.

Should this initiative become law?

YES

NO

24-LS0859\1

Kurtz

5/6/05

HOUSE CS FOR SENATE BILL NO. 172(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR THERRIAULT

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the presentation of initiatives and referenda on the ballot."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 15.45.180(a) is amended to read:

4 (a) If the petition is properly filed, the lieutenant governor, with the assistance
5 of the attorney general, shall prepare a ballot title and proposition. The ballot title
6 shall, in not more than 25 [SIX] words, indicate the general subject of the proposition.
7 The proposition shall [~~IN NOT MORE THAN 100 WORDS,~~] give a true and
8 impartial summary of each section of the proposed law in not more than 100 words
9 for each section.

10 *** Sec. 2.** AS 15.45.410(a) is amended to read:

11 (a) The lieutenant governor, with the assistance of the attorney general, shall
12 prepare a ballot title and proposition upon determining that the petition is properly
13 filed. The ballot title shall, in not more than 25 [SIX] words, indicate the general
14 subject area of the act. The proposition shall, in not more than 100 words, give a true
15 and impartial summary of the act being referred.

**EXPLANATION OF PROPOSED LEGISLATION RELATING
TO THE PREPARATION OF INITIATIVE BALLOT TITLES AND PROPOSITIONS**

AS 15.45.180(a) currently provides that once an initiative petition is certified as containing the number of valid signatures required for placement on the ballot, the lieutenant governor shall prepare both a ballot title and a proposition for the election ballot. Under existing law, the ballot title must indicate the "general subject of the proposition," and may not exceed six words. The proposition must give a "true and impartial summary" of the proposed law, in not more than 100 words.

With the increasing complexity of laws being proposed by initiative, it is difficult to provide an accurate description of the contents of a proposed law in only six words. It is equally difficult to provide a "true" summary of the contents of a proposed law in only 100 words. The current word length limitations on ballot titles and propositions contribute to the likelihood that voters will not fully understand the scope and effect of initiative propositions that are placed before them. Allowing the lieutenant governor up to 25 words for the ballot title will provide the opportunity for a more accurate description of the contents of the proposed law. Requiring the lieutenant governor to provide a brief summary of each section of a proposed law, not more than 100 words for each section, will ensure that voters are aware of all of the provisions contained in the proposed law.

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. John Coghill
Rep. Nancy Dahlstrom
Rep. Pete Kott
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: May 8, 2005
Re: CS Request

Please create a work draft House Judiciary Committee Substitute for work order # 24-LS0859I, SB 172, incorporating the attached language. The bill is scheduled to be reheard in committee today (not sure what time), but please just get the CS to us as soon as you can.

If you have any questions, please call me at 4990.
Thank you so much!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

Amendment to House CS for Senate Bill No.172 (Jud) – Work Draft, Version I (5/6/05)

Page 1, line 9, following the word “section” add the following:

“For purposes of this subsection, “section” means

- (1) a provision of the proposed law enacting, amending or repealing and re-enacting a separate section, subsection or subparagraph of the Alaska Statutes;**
- (2) a provision of the proposed law repealing a separate section, subsection or subparagraph of the Alaska Statutes; and**
- (3) a provision of the proposed law, regardless of the form in which the proposed law is drafted, that is distinct from other provisions in purpose or subject matter and that the lieutenant governor, with the assistance of the attorney general, determines would have been set out in a separate section of the Alaska Statutes if drafted in conformity with legislative drafting procedures followed by the Department of Law.**

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House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: May 6, 2005
Re: CS Request

Please create a work draft House Judiciary Committee Substitute for work order # 24-LS0859\Y, SB 172, incorporating the attached changes (delete sections 2 & 4 and add the additional underlined language).

The bill will likely be heard in committee tomorrow. If you have any questions, please call me at 4990. Thank you!

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HOUSE CS FOR SENATE BILL NO. 172(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 5/5/05
Referred: Judiciary

Sponsor(s): SENATOR THERRIAULT

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the presentation of initiatives and referenda on the ballot."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 15.45.180(a) is amended to read:

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5 of the attorney general, shall prepare a ballot title and proposition. The ballot title
6 shall, in not more than 25 [SIX] words, indicate the general subject of the proposition.
7 The proposition shall, in not more than 100 words, give a true and impartial summary
8 of the proposed law.

9 *** Sec. 2.** AS 15.45.180 is amended by adding a new subsection to read:

10 (a) The lieutenant governor shall submit the ballot title and proposition to the
11 director not later than 30 days after the date of the adjournment of the first regular
12 legislative session convened after the petition is filed.

*delete
mis
section*

13 *** Sec. 3.** AS 15.45.410(a) is amended to read:

14 (a) The lieutenant governor, with the assistance of the attorney general, shall
15 prepare a ballot title and proposition upon determining that the petition is properly

1 filed. The ballot title shall, in not more than 25 [SIX] words, indicate the general
2 subject area of the act. The proposition shall, in not more than 100 words, give a true
3 and impartial summary of the act being referred.

Sec. 4. AS 15.45.410 is amended by adding a new subsection to read:

~~(c) The lieutenant governor shall submit the ballot title and proposition to the
director not later than 60 days after the date the petition is filed.~~

delete
this
section

DRAFT
Susan Burke
586-2777
03-15-05

A BILL
FOR AN ACT ENTITLED

"An Act relating to the preparation of initiative ballot titles and propositions; and providing for an effective date."

* Section 1. AS 15.45.180(a) is amended to read:

(a) If the petition is properly filed, the lieutenant governor, with the assistance of the attorney general, shall prepare a ballot title and proposition. The ballot title shall, in not more than 25 [SIX] words, indicate the general subject of the proposition. **The proposition shall give a true and impartial summary of each section of the proposed law, in not more than 100 words for each section.** [THE PROPOSITION SHALL, IN NOT MORE THAN 100 WORDS, GIVE A TRUE AND IMPARTIAL SUMMARY OF THE PROPOSED LAW.]

* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

add this language
(conceptually +/or making any necessary conforming changes, new section, etc.)

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
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Rep. John Coghill
Rep. Nancy Dahlstrom
Rep. Pete Kott
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Rep. Max Gruenberg



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House Judiciary Committee

Memorandum

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House Judiciary Committee
Date: May 6, 2005
Re: CS Request

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The bill will likely be heard in committee tomorrow. If you have any questions, please call me at 4990. Thank you!

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Susan Burke
586-2777
03-15-05

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* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

AMENDMENT

#1

OFFERED IN HOUSE STATE AFFAIRS
TO SB 172

initiative

After line 8 insert a new subsection to read:

AS 15.45.180 (c)

"The lieutenant governor shall submit the ballot title and proposition to the director not later than 30 days after the date of the adjournment of the first regular legislative session convened after the petition is filed"

AMENDMENT

#2

OFFERED IN HOUSE STATE AFFAIRS
TO SB 172

referenda

After line 14 insert a new subsection to read:

AS 15.45.410 (c)

"The lieutenant governor shall submit the ballot title and proposition to the director not later than 60 days after the date the petition is filed."

Alaska State Legislature

SENATOR
GENE THERRIAULT

Mailing Address:
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Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271

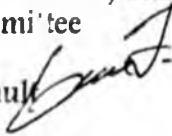


Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884
SENATE DISTRICT F

MEMORANDUM

TO: Representative Lesil McGuire, Chair
House Judiciary Committee

FROM: Senator Gene Therriault 

DATE: May 5, 2005

SUBJECT: Scheduling of SB 172

I respectfully request that Senate Bill 172 be scheduled for a hearing in the House Judiciary Committee.

SB 172 increases the word limit for initiative and referenda ballot titles from six words to 25 words. Allowing the lieutenant governor up to 25 words for the ballot title will provide the opportunity for a more accurate description of the contents of the proposed law.

Please contact me if you have any additional questions.

ALASKA STATE LEGISLATURE

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119 N. Cushman Suite 101
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Senate
Senate District F

Senate Bill 172

"An Act relating to the presentation
of initiatives and referenda on the ballot."

SPONSOR: Senator Gene Therriault

SPONSOR STATEMENT:

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FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 172
 (S) Publish Date: 4/20/05

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title "An Act relating to the presentation RDU Elections
of initiatives and referenda on the ballot." Component Elections
 Sponsor Senator Therriault
 Requester Senate State Affairs Committee 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						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 has no fiscal impact on the Division of Elections.

Prepared by: Gail Fenumiai, Asst. Admin. Director Phone 465-3885
 Division: Office of the Governor, Division of Administrative Services Date/Time 4/19/05 9:10 AM
 Approved by: Laura Glaiser, Director Date 4/19/2005
 Agency: Division of Elections



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Gene Therriault

Current Version: SB 172

Contact: Joseph Balash, 465-4797

Fact Sheet for: Senate Bill 172

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