

**SB**

**14**

# 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 8th 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>

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.



# Alaska State Legislature

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

Sponsor: Senator Gary Stevens  
Current Version: SB 14  
Contact: Doug Letch, 465-4925

## Fact Sheet for: Senate Bill 14

**Short Title:** MUNICIPAL ELECTIONS

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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.

## SENATE BILL 14--HEARING NOTES

\*SENATE BILL 14 IS AN ACT RELATING TO MUNICIPAL INITIATIVE AND REFERENDUM ELECTIONS."

\*THE BILL WILL GIVE MUNICIPALITIES THE OPTION OF PLACING A REFERENDUM OR INITIATIVE BEFORE VOTERS AT A REGULARLY SCHEDULED ELECTION IF THE ISSUE IS NOT OF AN URGENT NATURE, OR AT A SPECIAL ELECTION IF THE LOCAL GOVERNING BODY DETERMINES BY ORDINANCE THAT IT IS IN THE BEST INTERESTS OF THE MUNICIPALITY TO HOLD A VOTE ON AN ISSUE SOONER. THE <sup>Bill</sup> ~~Bill~~ ALSO PROVIDES THE GOVERNING BODY WITH A MEANS OF HOLDING A SPECIAL ELECTION IN THE EVENT THAT AN INORDINATE AMOUNT OF TIME WILL PASS BETWEEN THE CERTIFICATION OF A PETITION AND THE NEXT REGULAR ELECTION. THIS WILL BE ACCOMPLISHED THROUGH THE ORDINANCE PROCESS, WHICH PRESERVES A MAYOR'S VETO POWER.

\*THIS INTENT OF THIS BILL IS TO SPECIFICALLY HELP LOCAL GOVERNMENTS AVOID COSTLY SPECIAL INITIATIVE ELECTIONS AND REFERENDUMS BROUGHT FORWARD BY VOTERS. IN MANY CASES, THESE MEASURES ARE NOT SO PRESSING IN NATURE THAT THEY COULD NOT WAIT FOR THE REGULAR MUNICIPAL ELECTION.

\*SPECIAL ELECTIONS ARE COSTLY AND GENERALLY RESULT IN A LOWER VOTER TURNOUT THAN THE REGULAR ELECTION. RECENTLY, THE FAIRBANKS NORTH STAR BOROUGH HAD OVER 40 PETITIONS FILED IN A PERIOD OF 4 MONTHS. ALTHOUGH THESE PETITIONS RESULTED IN ONLY ONE SPECIAL ELECTION (AT A COST OF ~~\$95,000~~<sup>60K</sup>), THERE WAS A POTENTIAL FOR MANY MORE SPECIAL ELECTIONS AT GREAT COST TO THE MUNICIPALITY.

\*THIS BILL COULD RESULT IN COST SAVINGS TO MUNICIPALITIES WHO COULD CHOOSE TO WAIT UNTIL THE NEXT REGULAR ELECTION, TYPICALLY IN OCTOBER, TO CONSIDER AN ISSUE.

\*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 MORE TIMELY MANNER.

\*THIS BILL IS SUPPORTED BY THE ALASKA MUNICIPAL LEAGUE THE FAIRBANKS NORTH STAR BOROUGH, THE KENAI PENINSULA BOROUGH AND THE ALASKA ASSOCIATION OF MUNICIPAL CLERKS. I ASK FOR YOUR SUPPORT OF THIS IMPORTANT MEASURE.

# 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



217 Second Street, Suite 200 • Juneau, Alaska 99801

Tel (907) 586-1325 • Fax (907) 463-5480 • [www.akml.org](http://www.akml.org)

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*

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](mailto: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:

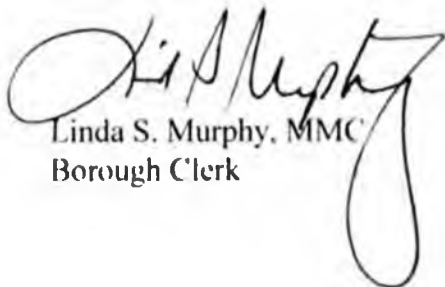
Thank you for sponsoring SB 14 which seeks to eliminate the mandate that a municipality call a special election to consider an initiative or referendum brought forward by the voters.

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



ADOPTED AUGUST 1972  
January 27, 2005

## CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (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

*cc: Senate Community & Regional Affairs*

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Subject: (no subject)

[View Full Header](#)From: "Murphy, Linda" <LMurphy@borough.kenai.ak.us> [Add](#)[View Printable Version](#)

Date: Wed, January 26, 2005 3:13 pm

[View as plain text](#)To: "'Senator\_Tom\_Wagoner@legis.state.ak.us'" ([more](#))[View Message details](#)Cc: "'Senator\_Gary\_Stevens@legis.state.ak.us'" ([more](#))

Priority: Normal

Dear Senator Wagoner:

I do hope you will reconsider your stated plan to attach an amendment to SB 14. Rather than argue the merits of your proposed amendment, I would encourage you to allow SB 14 to proceed through the legislative process without amendment of any kind, especially one that really has little, if anything, to do with the bill itself.

The purpose of SB 14 is to remove the MANDATE that a general law municipality conduct a special election for a citizen-driven initiative or referendum. If your intent is to require that ALL special elections within a municipality, whether called for a citizen-sponsored issue or called at the discretion of the governing body, receive a certain voter turnout in order to be certified, I would suggest that you sponsor a separate bill. This would then allow the debate on both issues to remain focused on their respective merits.

FYI, the highest voter turnout for a Kenai Peninsula Borough regular election over the past decade was 35.56%, and that was the election when voters considered the private prison initiative.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Linda Murphy, MMC  
Kenai Peninsula Borough Clerk

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SB 14 - C&RA

Linda Murphy - Special elections  
are not budgeted for.

Mona Lisa Drexler - 140 municipalities  
are affected by title 29 special  
election codes

Lori Seca - Juneau clerk - support because  
it will help Juneau with their code  
revisions, although it is home rule.

Wagner - might have an amendment,  
require a 60% voter turnout like Washington  
State, would help ~~for~~ municipalities  
get a better voter turnout.

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Thank you for submitting SB 14. This bill is of great importance to t  
Fairbanks North Star Borough.

Special elections are costly and in the past year alone, we have had c  
of over \$50,000 holding a special election that could have taken place  
during our regular local elections. The Fairbanks North Star Borough,  
other municipalities, struggle to provide basic services to its citize  
can not easily afford the cost of unbudgeted elections.

The Fairbanks North Star Borough, as well as Mayor Jim Whitaker, fully  
support this bill and have placed in on our list of top 10 priorities  
this legislative session.

Bonnie Williams  
Assemblymember  
Fairbanks North Star Borough

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Ian Laing

---

**From:** Kevin Ritchie [kevin@akml.org]  
**Sent:** Tuesday, January 11, 2005 5:13 PM  
**To:** Ian Laing  
**Cc:** Kathie (E-mail); Annie (E-mail)  
**Subject:** RE: HB 50 Muni Elections Bill

HB 50 and SB 14 as introduced:

The AML Policy Statement adopted in November, 2004 supports HB 50 and SB 14 as introduced. HB 50/SB 14 allow municipalities greater authority to make a local decision on setting local election dates. 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." HB 50/SB 14 as introduced would allow municipalities to save money and more efficiently conduct elections by allowing municipalities to avoid holding unnecessary special elections.

Kevin

-----Original Message-----

**From:** Ian Laing [mailto:Ian\_Laing@legis.state.ak.us]  
**Sent:** Tuesday, January 11, 2005 9:38 AM  
**To:** kevin@akml.org  
**Subject:** RE: HB 50 Muni Elections Bill

Thanks Kevin,

Can I ask one additional favor? Just a short email that says the league is still in support of the bill would be very helpful to have until the letter arrives, as we plan to submit the bill for it's first reading tomorrow. I apologize for the short notice. Thanks for the help,

Ian Laing  
Rep. Paul Seaton  
Legislative Staff  
(907) 465-2689

---

**From:** Kevin Ritchie [mailto:kevin@akml.org]  
**Sent:** Tuesday, January 11, 2005 9:15 AM  
**To:** Ian Laing  
**Subject:** RE: HB 50 Muni Elections Bill

Hi Ian

We will work with the municipal clerks to make sure the letter is good, then forward it to you. Please thank Rep Seaton for bringing this forward again.

Kevin

-----Original Message-----

**From:** Ian Laing [mailto:Ian\_Laing@legis.state.ak.us]  
**Sent:** Tuesday, January 11, 2005 9:00 AM  
**To:** Kevin@akml.org  
**Subject:** HB 50 Muni Elections Bill

Good morning Kevin,

Ian Laing

---

**From:** Harriett Edwards [boro\_clerk@borough.ketchikan.ak.us]  
**Sent:** Wednesday, January 12, 2005 3:21 PM  
**To:** Ian Laing  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* House Bill 50

The Ketchikan Gateway Borough supports HB 50 which relates to municipal initiative and referendum elections. It costs approximately \$10,000 to hold an election in Ketchikan and with the tight economy municipalities have these days that amount of money is substantial. HB 50 removes the absolute requirement of holding a special election whenever initiative or referendum petitions are certified, but does not hinder the rights of the voters. A regular election has to be held in October of each year and initiative and referendum items may be added to the ballot for little cost. The assembly would still have the right to call a special election if it desired.

A letter in support of HB 50 will be mailed out in the next few days. Please thank Representative Seaton for his support of this effort.

Harriett J. Edwards  
Borough Clerk  
Ketchikan Gateway Borough  
344 Front Street  
Ketchikan, AK 99901  
PH: 907-228-6604

*VISIT OUR WEBSITE:* [www.borough.ketchikan.ak.us](http://www.borough.ketchikan.ak.us)

**Ian Laing**

---

**From:** David Talerico [dave@denaliborough.com]

**Sent:** Wednesday, January 12, 2005 2:22 PM

**To:** Ian Laing

**Subject:** House Bill No. 50

I do support House Bill No. 50, "an act relating to municipal initiative and referendum elections." This will enable municipalities to run more efficient elections and will also reduce election costs.

Thank you, David M. Talerico  
Mayor, Denali Borough

1/12/2005

Ian Laing

---

From: Colleen Pellett [colleen@cityofsitka.com]  
Sent: Thursday, January 13, 2005 10:51 AM  
To: Ian Laing  
Subject: HB50

Ian ~

I do support HB 50, but I would request that Representative Seaton amend the 45 days to 60 days throughout the bill.

Kind Regards,

Colleen

Colleen Pellett, CMC  
Municipal Clerk  
City and Borough of Sitka  
(907) 747-1811 or fax (907) 747-7403  
colleen@cityofsitka.com

SB 14 / HB 50

KE  
KETCHIKAN GATEWAY BOROUGH

Office Ketchikan, Alaska 99901

@borough.ketchikan.ak.us

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

January 13, 2005

Representative Paul Seaton  
Alaska State Legislature  
State Capitol, Room 102  
Juneau, AK 99801-1182

Dear Representative Seaton:

The Ketchikan Gateway Borough supports passage of House Bill No. 50 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.

House Bill No. 50, 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



**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 13, 2005

Representative Paul Seaton  
Alaska House of Representatives  
Capitol Building, Room 102  
Juneau, Alaska 99811

Re: House Bill 50

Dear Rep. Seaton,

Thank you for sponsoring House Bill 50. As election official for the City and Borough of Juneau, Alaska, (CBJ) I support the concept of providing an option to communities to schedule municipal initiative and referendum votes during a community's regular annual election. In the past two years, CBJ has spent approximately \$65,000 to conduct two special elections, however, in both elections, the issue was timely and could not wait for the next regular election for a decision to be made. I appreciate the wording in the bill, which allows the governing body to weigh the expense of a special election with the need for a speedy resolution to an issue.

CBJ is a home rule municipality, and as such, this section of Title 29 is superseded by the CBJ charter. The CBJ charter states that "the election on a proposed initiative or referred measure shall be held not later than sixty days from the last day on which the assembly action may be completed on the proposed initiative or referred measure." I am interested in proposing a charter amendment similar to this bill, which would allow the Assembly the option of submitting an initiated or referred matter to the voters at a regular or special election. Your bill, if successful, would provide an example in state law to emulate.

Thank you for the opportunity to comment on this matter.

Sincerely,

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

Adopted: 03/16/04

MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 04-051

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTING SENATE BILL 227 AND HOUSE BILL 322, RELATING TO MUNICIPAL INITIATIVE AND REFERENDUM ELECTIONS.

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WHEREAS, Municipal Clerks in the state of Alaska strongly support the right of its citizens to petition the Government through the initiative and referendum process; and

WHEREAS, Alaska Statutes 29.26.270 and 29.26.280 mandate that a municipality conduct a special election on initiative and referendum questions respectively when no regular election occurs within 75 days after certification of a sufficient initiative or referendum petition; and

WHEREAS, there is no such requirement that mandates a special election for initiative and referendum questions submitted to the state of Alaska for State elections; and

WHEREAS, special elections are costly, consume staff time for extended periods, and often result in a much lower turnout than the municipality's regular election; and

WHEREAS, it is often difficult to obtain election officials for municipal elections; and

WHEREAS, many municipalities are struggling to provide basic services to its citizens and cannot easily afford the cost of an unbudgeted special election; and

WHEREAS, in recognition of these factors, Senator Gary Stevens and Representative Paul Seaton have sponsored Senate Bill 227 and


House Bill 322 respectively to eliminate the mandate that a municipality call a special election after certification of an initiative or a referendum petition; and

WHEREAS, nothing in these bill eliminates the local government option to call a special election if one is deemed necessary or advisable by the governing body.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly support the passage of Senate Bill 227 and House Bill 322 and urges the State Legislature to expeditiously move these bills through their respective houses.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be mailed to the State Legislature.

ADOPTED by the Matanuska-Susitna Borough Assembly this 16 day of March, 2004.

  
TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

  
SANDRA A. DILLON, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Bush, Colberg, Kvalheim, Simpson, Colver, and Vehrs



**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 14, 2005

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

Re: Senate Bill 14

Dear Senator Stevens,

Thank you for sponsoring House Bill 50. As election official for the City and Borough of Juneau, Alaska, (CBJ) I support the concept of providing an option to communities to schedule municipal initiative and referendum votes during a community's regular annual election. In the past two years, CBJ has spent approximately \$65,000 to conduct two special elections, however, in both elections, the issue was timely and could not wait for the next regular election for a decision to be made. I appreciate the wording in the bill, which allows the governing body to weigh the expense of a special election with the need for a speedy resolution to an issue.

CBJ is a home rule municipality, and as such, this section of Title 29 is superseded by the CBJ charter. The CBJ charter states that "the election on a proposed initiative or referred measure shall be held not later than sixty days from the last day on which the assembly action may be completed on the proposed initiative or referred measure." I am interested in proposing a charter amendment similar to this bill, which would allow the Assembly the option of submitting an initiated or referred matter to the voters at a regular or special election. Your bill, if successful, would provide an example in state law to emulate.

Thank you for the opportunity to comment on this matter.

Sincerely,

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

**MATANUSKA-SUSITNA BOROUGH  
OFFICE OF THE BOROUGH CLERK**



350 East Dahlia Avenue  
Palmer, Alaska 99645-6488

(907) 745-9683  
FAX (907) 745-9845

**FAX TRANSMITTAL PAGE**

TO Doug Letch

FIRM \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_ FAX NO. 415-3517

FROM Michelle M. McGehee

DATE 01/24/05 NO. OF PAGES 2 + cover

REMARKS: Please find attached MSB RS 04-051, in support of previous SB227 and HB322, relating to Municipal Initiative and Referendum elections. I am supportive of recently introduced SB14 and will try to make testimony in this regard on 1/26. If for some reason I do not make it - please note my support for the record.

Thank You.  
Michelle M. McGehee, CMC

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE.



ADOPTED AUGUST 1972

January 27, 2005

# CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 631, 99929 (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,

Christie L. Jamieson, CMC  
City Clerk

# Fairbanks Daily News-Miner

## Special elections

**Wednesday, January 19, 2005** - Hard to believe it's been just about a year since Fairbanks North Star Borough voters went to the polls in a special election to decide the future of the borough's vehicle I/M program. And if the Legislature agrees, never again will the borough be forced by the law to conduct a midwinter special election and get stuck with the associated costs.

And that would be good.

Senate Bill 14 would change state law governing when most local governments, including the Fairbanks North Star Borough but not the home-rule cities of Fairbanks and North Pole, must conduct special elections on citizen initiatives and referendums. The law, in its present form, states that initiatives and referendums must be decided in a special election from 45 to 75 days after the petitions are certified if no regular election is otherwise scheduled for that period.

That requirement is the reason that the Fairbanks borough found itself having the vehicle emission vote last January and the fuel transfer tax vote in June 2002. The borough's regular election is held each October, but the petitions were certified outside the window that would allow their topics to appear on the regular ballot.

The result? The I/M election itself cost an estimated \$50,000, not including staff time, and drew far fewer voters than would be expected to turn out at a regular election on a nice, or even miserable, early-October day.

Changing state law makes sense.

Why should local governments be forced into a special election and the associated costs on matters that can wait until a regular election? They shouldn't, provided that timely regular elections are on the calendar.

And with special elections notoriously having low voter turnout, it seems the public interest is best served if issues can be decided when there is the greatest likelihood of voter participation. In Alaska, that usually means the fall, after the summer's activities have wrapped up and before the snow has come down.

There is an argument to be made, though, that eliminating the requirement for a special election reduces the ability of the people to change their local laws on their terms, when they want to. But Senate Bill 14, and a companion House bill that is undergoing some revision, will allow a community's governing body--for Fairbanks that would be the Borough Assembly--to schedule a special election if that body determines that holding one is in the best interest of the community. It's difficult, though not impossible, to imagine the assembly refusing to order a special election if there's widespread demand for one. The tradeoff in money saved and in avoiding having important matters decided by a small number of people is worth it.

The Legislature took up this issue last year, but the Senate version of the bill became embroiled in the Anchorage mayor's race, of all things, when a legislator added a provision affecting how that race could be decided.

Let's hope the bill stays fairly clean this time around so that the Fairbanks North Star Borough and other communities can reduce the number of special elections.

**adn.com**

Anchorage Daily News

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## Kodiak lawmaker resurrects special elections bill

The Associated Press

(Published: January 28, 2005)

**FAIRBANKS (AP)** - A Kodiak lawmaker has resurrected an effort to allow municipalities to avoid costly special elections.

Senate Majority Leader Gary Stevens introduced the bill prior to the legislative session. The bill would give boroughs and some cities the option of delaying a vote on citizen initiatives or referendums until a regularly scheduled election.

Current law requires a special election be held within 75 days of a petition being certified.

"The intent is simply to allow local municipalities, local communities to avoid very costly elections for referendums or initiatives," Stevens said.

If Stevens' bill passes, municipalities could still hold special elections on time-sensitive issues.

The measure received its first hearing Wednesday in the Senate Community & Regional Affairs Committee. Several municipal clerks testified in favor of the bill, agreeing with Stevens that having the option of delaying a vote on an initiative or referendum would be advantageous.

"A special election is costly, time-consuming, and traditionally the turnout is very low," said Mona Lisa Drexler, clerk for the Fairbanks North Star Borough.

Drexler has estimated in the past that a special election in 2002 on whether to enact a fuel transfer tax cost the borough more than \$60,000. Last year's attempt to eliminate the borough's vehicle inspection and maintenance program cost more than \$50,000.

Both measures were defeated by a wide margin and drew less than 16 percent of registered voters to the polls.

Kenai Peninsula Borough Clerk Linda Murphy said municipalities do not typically set aside money for special elections.

"These are not budgeted items," she said. "So when we do have a special election, we have to go back and get a supplemental appropriation to hold one."

The committee had been set to pass the bill and forward it to the Finance Committee Thursday. However, Sen. Thomas Wagner, R-Kenai, voiced the idea of requiring a certain level of voter turnout at special elections in order for the results to be certified.

That system, which is used in Washington state, would encourage special elections to be held closer to a regularly scheduled election, when voter turnout is typically higher, he said.

Stevens said the bill is identical to the measure he introduced last session. That bill passed the Senate but did not make it out of the house of Representatives.

The committee is scheduled to take up the bill again Monday.

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Information from: Fairbanks Daily News-Miner, <http://www.newsminer.com>

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217 Second Street, Suite 200 • Juneau, Alaska 99801  
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

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



ADOPTED AUGUST 1872  
January 27, 2005

## CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (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

February 7, 2005

Representative Carl Gatto  
Vice-Chair, House State Affairs Committee  
Alaska House of Representatives  
State Capitol, Room 411  
Juneau, AK 99801-1182

Re: House Bill 50

Dear Representative Gatto,

As election official for the City and Borough, I wish to express my support for HB50, "An Act Relating To Municipal Initiative And Referendum Elections." HB50 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) HB50 would provide a general government 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 support and adopt HB50. 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



# 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

*Story last updated at 4:13 PM on Thursday, February 10, 2005*

## **Special elections bill passes Senate**

**By Chris Eshleman**

Staff Writer

A bill that would allow municipalities more control over citizen-initiated special elections is making its way through the Legislature.

The bill, sponsored by Sen. Gary Stevens, R-Kodiak, unanimously passed the Senate on Feb. 2 and is scheduled for a hearing today before the House Community and Regional Affairs Committee.

Currently, when municipalities certify a citizen initiative and a regular election is not scheduled within the next 75 days, the local government is obligated to hold a special election.

Stevens' bill would remove that requirement. Municipal governments, however, would retain the ability to call a special election at their discretion or schedule the initiative for the next regular election.

"It gives local governments the discretion to schedule special initiative and referendum elections in a more economical manner," Stevens said of the bill. "It would allow the local borough assembly or city council to decide if this is a timely enough issue to have a special election."

Some special elections do bring a large turnout. For example, Homer held one in June on the issue of retail store size, and 1,701 voters showed up — or about 42.42 percent of all registered voters. By comparison, 1,709 voters participated in the regular municipal election.

Special elections, however, have become costly to some cities around the state. In one four-month period in 2002, the Fairbanks North Star Borough clerk's office received six referendum and initiative petitions on a number of issues, including fuel taxes and snowmachine control.

Those petitions led to one special election, which cost approximately \$60,000. Only one proposition was on the ballot, and it was defeated with a 13 percent voter turnout.

Stevens' bill would not affect a special election currently being considered by Homer City Council members that would change the city's tax structure.

Stevens introduced the bill at the request of the Kenai Peninsula Borough clerk's office, which he said was hoping to protect itself against a statewide trend toward special elections.

Borough Clerk Linda Murphy said that the bill would not affect home-rule municipalities like Seward, but would apply to boroughs and first-class municipalities like Homer.

"It's something that a number of clerks have been looking at for a while," Murphy said Tuesday. "These special elections are something we really can't afford anymore."

*Chris Eshleman can be reached at [chris.eshleman@homernews.com](mailto:chris.eshleman@homernews.com).*



217 Second Street, Suite 200 • Juneau, Alaska 99801  
Tel (907) 586-1325 • Fax (907) 463-5480 • [www.akml.org](http://www.akml.org)

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*

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

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 14  
 ( ) Publish Date: \_\_\_\_\_

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

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_

Bill Version: SB14

( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_

Dept. Affected: OOG

Title "An Act relating to municipal initiative and referendum elections."

RDU 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>						
-------------------------------	--	--	--	--	--	--

**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