

LDIR#116

MUNICIPAL

ELECTIONS AND

VACANCIES

Re: Initiative was incidentally requiring expenditure of funds.

Hogan v City Council of Anchorage and City of Anchorage
Superior Ct., Third Dt. (No. 67-1865E)

1 respond to a notice of an election, the burden of showing that
2 the notice was inadequate to inform the electorate is a sub-
3 stantial one which has not been met here. Accordingly, I find
4 that the initiative petition was presented in the manner re-
5 quired by the Code and that the legal notice thereof was
6 sufficient. As stated in my earlier order, the question of
7 whether or not to place the petition on the ballot was not
8 within the discretion of the Council (p.9, order of September
9 22, 1967). The only question properly before Council was
10 whether or not to grant the relief sought by the initiative
11 petition.

12 IV

13 Defendant next argues that the initiative ordinance is
14 invalid because it constitutes an appropriation of public funds,
15 in violation of Art. XI sec.7, Alaska Constitution, relying
16 upon Kansas City vs McCee, 269 S.W.2d 662 (Mo. 1954) as their
17 principal authority.

18 I feel this question is best answered by the decision in
19 Dorsey vs Petrott, 13 A2d 631 (Md. 1940) wherein the Maryland
20 Court of Appeals considered an act which was under consideration
21 for referendum: "No law making any appropriation for maintaining
22 the state government...shall be subject to rejection or repeal
23 under this section." The act provided for abolition of existing
24 conservation commission and substituted two commissions, one
25 for state game and inland fish and the other for fisheries.

STATE OF ALASKA
SUPERIOR COURT

The American Political Company
1970-1971
10/10/71

December 22, 1964

M E M O R A N D U M

**TO: Ronald Cease, Director
Local Affairs Agency**

**FROM: Michael M. Holmes
Deputy Attorney General**

RE: Borough Reapportionment

You have asked when a plan reapportioning a borough assembly takes effect. The applicable statute (AS 07.20.030(3)) clearly states that a reapportionment plan takes effect at the first regular assembly election following promulgation of the plan.

AS 07.10.040 provides standards for apportionment of a borough assembly. Under AS 07.20.030 reapportionment may be initiated by the assembly itself or by petition of voters, whenever apportionment does not meet the standards of AS 07.10.040. Either the assembly or the Local Affairs Agency reapportions the assembly. AS 07.20.030(3) provides: "The reapportionment is effective beginning with the next regular election to the assembly."

A reapportionment plan, whether promulgated by the assembly or Local Affairs Agency, is put into effect at the next regular election at which assembly members may be elected. In most cases regular elections to the borough assembly are held annually. A plan may not be put into effect at a special election.

Michael M. Holmes

*for one man,
one vote
reapportionment
Spencer Subst. State proposed*
Introduced: 2/11/66
Referred: Local Govern-
ment

1 IN THE HOUSE

BY LEFEVRE AND JACKSON

2 HOUSE BILL NO. 410

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the assembly of an
7 organized borough, requiring the election of
8 all assemblymen either at large or from
9 borough sections apportioned on a population
10 basis, eliminating use of the weighted vote
11 in assembly deliberations, and otherwise pro-
12 viding for the organization of the assembly;
13 and providing for an effective date."

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

15 * Section 1. AS 07.10.020 is amended to read:

16 Sec. 07.10.020. FORM OF PETITION. The petition shall be
17 in the form prescribed by the Local Affairs Agency and shall
18 include the following:

19 (1) the class of the proposed organized borough,
20 either first class or second class as provided in ch. 15 of
21 this title;

22 (2) the name and borough seat of the proposed
23 borough;

24 (3) the boundaries of the proposed borough under
25 the standards prescribed by sec. 30 of this chapter;

Introduced: 2/1/65
Referred: Local Government
and Judiciary

1 IN THE HOUSE

BY MESSRS. JACKSON, ORBECK,
SHELDON, AND WOLD

2 HOUSE BILL NO. 70

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to nomination of candidates
7 for elective borough offices."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 07.30 is amended by adding a new section to
10 read:

11 Sec. 07.30.051. NOMINATIONS. Candidates for election
12 to a borough office shall file a verified declaration of
13 candidacy in the office of the borough clerk at least 30
14 days before the election. The declaration shall be in a form
15 prepared and made available by the clerk and shall include
16 the matters required by AS 29.10.039 for a declaration of
17 candidacy for election to office in a first class city.

18 * Sec. 2. AS 07.30.050 is repealed.
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1 IN THE SENATE BY THE LOCAL GOVERNMENT COMMITTEE

2 SENATE BILL NO. 165

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act directing a special election of the
7 governing body of the City of Dillingham
8 following the implementation of Local Bound-
9 ary Commission Recommendation No. II of
10 1965; and providing for an effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. PURPOSE. The purpose of this Act is to provide
13 for a special election of city officials in the City of Dilling-
14 ham, in accordance with a suggestion set out in Local Boundary
15 Commission Recommendation No. II of 1965, which confirms the in-
16 corporated boundaries of the City of Dillingham and dissolves the
17 City of Wood River, wholly contained within the boundaries of the
18 City of Dillingham. In directing the special election, the legis-
19 lature in no way intends to reflect upon officials now holding
20 local office but rather provides for the special election as a
21 logical and proper step toward reunifying the larger Dillingham
22 community following implementation of Recommendation No. II. In
23 making possible the election of a governing body by all the
24 electorate, now knowingly a part of a single city, the legislature
25 intends to assist in providing an equitable and harmonious solu-
26 tion to the long-standing boundary controversy in the area con-

Introduced: 1/27/65
Referred: State Affairs

1 IN THE SENATE

BY SENATOR PETER

2 SENATE BILL NO. 4

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act invalidating certain write-in votes
7 cast in general elections."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 15.15.360 is amended by adding a new paragraph
10 to read:

11 (11) A write-in vote for a person whose candidacy
12 for that office was rejected in a party primary election in
13 the same year is invalid unless the party nominee for that
14 office has died, withdrawn, become disqualified, or been
15 certified as incapacitated before the general election and
16 his position as nominee has not been filled by party petition.
17 A write-in vote cast contrary to this rule does not invalidate
18 the entire ballot.

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Original Sponsors: Senators Kilcher,
Blodgett, Hansen, and Begich

Offered: 3/15/65
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 2d CS FOR SENATE BILL NO. 58

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to borough elections."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 07.30.040 is repealed and re-enacted to read:

9 Sec. 07.30.040. ADMINISTRATION OF ELECTION. The
10 assembly shall prescribe the general rules for the conduct of
11 the borough election. The assembly may permit a candidate
12 for the borough chairmanship or a seat on the borough
13 assembly to have a one-word description of his candidacy or
14 qualification for office inserted on the ballot in paren-
15 theses after his name if he makes the request for the in-
16 sersion at the time of filing for the office.

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1 IN THE SENATE BY SENATOR KILCHER

2 SENATE BILL NO. 210

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for special initiative
7 and referendum elections."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 15.40 is amended by adding new sections to
10 read:

11 ARTICLE 5. INITIATIVE AND REFERENDUM.

12 Sec. 15.40.490. CONDITION FOR HOLDING SPECIAL INITI-
13 ATIVE AND REFERENDUM ELECTION. If the earliest time an initi-
14 ated measure or referred Act may be voted upon is in a year in
15 which no general election is held, the secretary of state, by
16 proclamation, shall call a special election at which the
17 initiated measure or referred Act is voted upon.

18 Sec. 15.40.500. TIME FOR HOLDING SPECIAL ELECTION. The
19 secretary of state shall call the special election within 90
20 days after the first day the initiated measure or referred Act
21 can be voted upon.

22 Sec. 15.40.510. PROCLAMATION OF SPECIAL ELECTION. The
23 secretary of state shall issue the proclamation at least 50
24 days before the election.

26 SPECIAL ELECTION. Unless specifically provided otherwise, all

Introduced: 3/6/64
Referred: Local Govern-
ment

1 IN THE HOUSE

BY MESSRS. RADER, KENDALL,
MOSELEY, WHITE, LOTTSFELDT,
GRAVEL AND BOARDMAN

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HOUSE BILL NO. 408

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRD LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act to permit referenda within the

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organized boroughs to determine whether or

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not partisan borough elections should be

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permitted."

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

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* Section 1. AS 07.30.040 is amended to read:

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Sec. 07.30.040. ADMINISTRATION OF ELECTION. (a) The

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assembly shall prescribe the general rules for the conduct

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of the borough election. All borough elections shall be non-

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partisan elections, except as provided in (b) of this section.

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(b) The assembly may, not oftener than once a year,

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conduct a referendum election to determine whether partisan

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borough elections should be permitted, or, if partisan

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elections have been permitted by an earlier action, whether

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permission should be revoked. If a majority of the qualified

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voters in the borough voting on the proposition favor parti-

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san elections, partisan elections are permitted; if not,

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borough elections shall be nonpartisan.

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1 IN THE SENATE BY THE LOCAL GOVERNMENT COMMITTEE

2 SENATE BILL NO. 339

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the initiative and
7 referendum in political subdivisions of the
8 state."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 29.65 is amended by adding a new section to
11 article 1 to read:

12 Sec. 29.65.065. SUBSEQUENT REPEAL OR ENACTMENT BY
13 LEGISLATIVE BODY. (a) If an ordinance or act has been
14 enacted by the voters of a political subdivision under
15 sec. 30 of this chapter or under the charter of the subdivi-
16 sion, the legislative body of the subdivision may not repeal
17 it within one year of its effective date.

18 (b) If an ordinance or act has been repealed by the
19 voters of a political subdivision under sec. 40 of this
20 chapter or under the charter of the subdivision, the legis-
21 lative body of the subdivision may not re-enact that
22 ordinance or act or one substantially similar to it within
23 one year of the effective date of repeal.
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Introduced: 4/3/65
Referred: State Affairs
and Finance

BY MESSRS. TILLION,
BOARDMAN, BRADY, HAUGEN,
KENDALL, MOSES, STEVENS,
SPRANDBERG AND WOLD

1 IN THE HOUSE

2 HOUSE BILL NO. 280

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to voter registration;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 15.05.010 is amended to read:

10 Sec. 15.05.010. VOTER QUALIFICATION. A person may
11 vote at any election who:

12 (1) is a citizen of the United States;

13 (2) is at least 19 years of age;

14 (3) has been a resident of the state for at least
15 one year immediately preceding [JUST BEFORE] the election;

16 (4) has been a resident of the election district
17 in which he seeks to vote for at least 30 days immediately
18 preceding [JUST BEFORE] the election; [AND]

19 (5) can speak or read English unless prevented by
20 physical disability, or voted in the general election of
21 November 4, 1924;

22 (6) has registered before the election as re-
23 quired under ch. 7 of this title.

24 * Sec. 2. AS 15 is amended by adding a new chapter to read:

26 Sec. 15.07.010. REGISTRATION OF VOTERS. The precinct

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IN THE SENATE

BY SENATOR KILCHER

SENATE BILL NO. 89

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the election of borough
assemblymen."

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

* Section 1. AS 07.30 is amended by adding new sections to
read:

Sec. 07.30.101. BOROUGH SECTIONS. (a) In order to
provide representation to separate and distinct areas in the
borough, the local affairs agency shall establish sections
for the election of assemblymen representing the area out-
side first class cities.

(b) This section applies only to boroughs not appor-
tioned into election sections on or after the effective date
of this Act. Election sections in other boroughs shall con-
tinue in effect subject to law.

Sec. 07.30.102. APPLICATION OF SECS. 103 - 106 OF THIS
CHAPTER. The provisions of secs. 103 - 106 of this chapter
apply to all boroughs.

Sec. 07.30.103. NUMBER OF SECTIONS. The number of
election sections in a borough shall equal its number of

Sec. 07.30.104. STANDARDS OF APPORTIONMENT. Borough

Introduced: 2/20/65
Referred: Resources
and Local Government

1 IN THE HOUSE

BY MR. METCALF

2 HOUSE BILL NO. 163

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing local initiative elec-
7 tions to supersede certain regulations of
8 the Board of Fish and Game."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 16.05 is amended by adding a new section to
11 read:

12 Sec. 16.05.253. LOCAL OPTION. (a) The people of an
13 organized borough may by initiative vote

14 (1) declare an area within the borough which,
15 under the rules or regulations of the board is open to the
16 taking of game or a particular species of game, to be closed
17 to the taking of game or a particular species of game;

18 (2) provide for more limited seasons and bag
19 limits than may be provided for under the rules and regula-
20 tions of the board in an area within the borough in which
21 the taking of game is permitted.

22 (b) The initiative election shall be conducted in the
23 manner provided for local initiative elections by AS 29.65.-
24 020 and 29.65.040 or by home rule charter provisions adopted

26 clearly the restrictions proposed and the area to which they