



# Municipality of Anchorage

#: \_\_\_\_\_ - \_\_\_\_\_

Office of the Municipal Clerk

632 West Sixth Avenue, Suite 250, Anchorage, Alaska 99501

Mailing Address: P.O. Box 196650 Anchorage, AK 99519-6650

Phone: 343-4311 Fax: 343-4313

Municipal Clerk: Barbara A. Jones

## Initiative and Referenda Application

Anchorage Charter: Section 3.20 ~ Anchorage Municipal Code: Chapter 2.50

### 2.50.020 – Application for a petition.

A. *Application.* An initiative or referendum may only be proposed by first filing an application for a petition on a form, which shall be prescribed and provided by the municipal clerk.

B. *Form and content.* The application shall contain:

1. The name, residence and mailing address, signature and date of signature of two qualified voters of the municipality who are the primary and alternate contact persons to whom all correspondence relating to the petition may be sent. The application form shall include space for each contact person to provide optional phone and facsimile numbers, and an email address. The two contact persons shall be considered sponsors;

\*\*\* \*\*

(AO No. 2002-162, § 1, 12-17-02; AO No. 2017-41, § 2, 3-21-17)

### Primary Petition Sponsor and Contact Person

Printed Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Identifier: \_\_\_\_\_

\*(Voter #, Social Security #, or Date of Birth)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Alternate Petition Sponsor and Contact Person

Printed Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Identifier: \_\_\_\_\_

\*(Voter #, Last four of Social Security #, or Date of Birth)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Unsworn falsification in the second degree. "(a) A person commits the crime of unsworn falsification in the second degree if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement that the person does not believe to be true...(2) on a form bearing notice, authorized by law, that false statements made in it are punishable. (b) Unsworn falsification in the second degree is a class A misdemeanor." AS 11.56.210







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## Additional Petition Information

The initiative and referendum procedures appear in the Municipal Charter under Section 3.02 and Municipal Code Section 2.50 and is reprinted in the attached as courtesy. Filers are encouraged to consult the code at [www.muni.org](http://www.muni.org) or at [https://library.municode.com/ak/anchorage/codes/code\\_of\\_ordinances](https://library.municode.com/ak/anchorage/codes/code_of_ordinances)

***The 2018 Mayoral Election established the current number of qualified voters required to certify a petition for initiative or referendum at 7,930.***

### Petition Application

1. Provide a primary sponsor or contact person and an alternate petition sponsor or contact person.
2. Prepare petition language.
3. Collect signatures of 10 qualified municipal voters who agree to act as sponsors, in addition to the contacts.
4. Submit petition application to the Municipal Clerk.

### Petition Application Review

1. Municipal Clerk verifies the sponsors are qualified municipal voters.
2. Municipal Attorney reviews petition language and prepares a memorandum to the Municipal Clerk to determine whether the measure proposed in the application may be submitted to voters by initiative or referendum; or whether the measure proposed must be denied. In making the determination, the Municipal Clerk may rely upon the legal counsel of the municipal attorney.
3. If the Municipal Attorney determines the measure in the application may be submitted to voter; and if the two contact persons and ten sponsors are qualified voters in the Municipality, the Municipal Clerk shall certify the application for a petition.
4. The primary sponsor or contact person is notified in writing either (a) if the Municipal Clerk's determination that the application for a petition is certified; or (b) if the Municipal Clerk's determination that the application for a petition is denied.

### Petition Circulation, if the application is certified

1. The Municipal Clerk prepares template that is the petition master form on legal size paper 8 1/2" x 14", which the sponsors must use to gather signatures. The Municipal Clerk shall not be responsible for reproducing copies of the master form.
2. The petition master form shall include a short title for the petition and a fair and impartial summary that describes the measure proposed; and the verbatim text of the measure.
3. The copies of the petition master form are circulated by the contact persons and sponsors and shall be signed by the number of qualified voters as required in the charter.
4. Signatures must be secured on the petition master form and filed with the Municipal Clerk within 90 days from the date of first actual circulation or the date on which the petition master form was issued by the Municipal Clerk. The petition may not be supplemented.
5. The Municipal Clerk verifies the signatures to determine if signers are qualified municipal voters and have provided required information.
6. Within ten days from the filing of a petition, the Municipal Clerk shall determine whether or not petition is sufficient; certification of the petition shall be granted or denied solely on whether a sufficient number of signatures of qualified voters on the petition was timely submitted. The Municipal Clerk shall notify the primary sponsor or contact person in writing if the petition is certified or denied.



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## Anchorage, Alaska, Code of Ordinances<sup>1</sup>

### Charter

#### ARTICLE III. – Powers

##### Section 3.01. – Powers of the municipality.

The municipality may exercise all legislative powers not prohibited by law or by this charter.

**Editor's note**— The charter commission's commentary on this section is printed following the Charter as section 3.01 of such commentary.

##### Section 3.02. - Initiative and referendum.

- (a) The powers of initiative and referendum are reserved for exercise by the people of Anchorage in the manner provided by law. The powers of initiative and referendum do not apply to ordinances establishing budgets, fixing mill levies, authorizing the issuance of bonds, or appropriating funds. A petition for initiative or referendum shall be signed by a number of qualified voters equal to at least ten percent of the voters who cast ballots at the last regular mayoral election.
- (b) Within ten days from the filing of a petition for initiative or referendum, the municipal clerk shall certify on the petition whether or not it is sufficient. An initiative shall be submitted to the voters at the next regular election held at least 45 days after certification of the petition. A referendum shall be submitted to the voters at a regular or special election held not later than 75 days after certification of the petition. However, the assembly may submit a referendum to the voters at a later regular or special election if the assembly suspends the ordinance until the election.
- (c) A referendum petition may be filed at any time. However, filing of a referendum petition suspends the ordinance or resolution if and only if the petition is filed within 60 days after the effective date of the ordinance or resolution. The suspension terminates on a finding of insufficiency of the petition or upon certification of a majority vote against repeal.
- (d) An initiative petition is void if the assembly enacts substantially the same measure prior to the election. A referendum petition is void if the assembly repeals the ordinance in question prior to the election.
- (e) The assembly may not repeal or substantially alter an ordinance enacted by initiative or enacted under (d) above, or re-enact a measure rejected by referendum within two years after certification of the election at which the enactment or rejection occurred.

(AO No. 79-139, prop. 9, 10-2-79)

**Const. law reference**—Initiative and referendum, Ak. Const. art. XI.

**State Law reference**— Home rule charters must contain provisions for initiative and referendum, AS 29.10.030.

##### Section 3.03. – Recall.

An elected official may be recalled by the voters in the manner provided by law. A petition to place the recall of an elected official before the voters shall be signed by a number of qualified voters as required by law.

(AO No. 90-90, prop. 2, 10-2-90)

**Const. law reference**—Recall, Ak. Const. art. XI, § 8.

**State Law reference**— Recall, AS 29.26.250—29.26.360.

<sup>1</sup> Charter and Municipal Code Accessed March 24, 2019.



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## Chapter 2.50 – INITIATIVES, REFERENDA AND RECALL

### 2.50.010 – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Application for a petition* means a written request for the municipal clerk to prepare a petition master form.

*Ballot proposition* means an item presented to voters on a ballot, consisting of: a ballot title; either a summary description of a measure to be enacted or repealed, together with a reference to the measure to be enacted or repealed, or the verbatim text of the act to be enacted or repealed; and a ballot question.

*Initiative* means a ballot proposition presented to the voters after submission of petitions signed by a specified number of qualified voters, to determine whether an ordinance or resolution shall be enacted directly by popular vote.

*Measure* means an ordinance, resolution, or Charter amendment.

*Municipal clerk* means the Anchorage municipal clerk.

*Petition* means a written petition bearing the signatures of qualified voters seeking submission of an initiative or referendum measure to the electorate.

*Petition master form* means the original, unaltered document provided to a contact person upon certification of an application for a petition.

*Qualified voter* means a person who, at the moment he signs a petition for initiative or referendum, is legally entitled to vote and who, by virtue of a current, valid residence address, is registered to vote in state and Anchorage municipal elections.

*Referendum* means a ballot proposition presented to the voters after submission of petitions signed by a specified number of qualified voters to determine whether an ordinance or resolution already approved shall be repealed by popular vote.

(AO No. 197-76; AO No. 2017-41, § 1, 3-21-17; AO No. 2017-93, § 2, 3-21-17)

**Charter reference**— Definitions of initiative and referendum, § 17.13.

**Cross reference**— Definitions and rules of construction generally, § 1.05.020.

### 2.50.020 – Application for a petition.

- A. *Application*. An initiative or referendum may only be proposed by first filing an application for a petition on a form, which shall be prescribed and provided by the municipal clerk.
- B. *Form and content*. The application shall contain:
  1. The name, residence and mailing address, signature and date of signature of two qualified voters of the municipality who are the primary and alternate contact persons to whom all correspondence relating to the petition may be sent. The application form shall include space for each contact person to provide optional phone and facsimile numbers, and an email address. The two contact persons shall be considered sponsors;
  2. The name, residence and mailing address, signature and date of signature of at least ten qualified voters of the municipality, not including the contact persons, who will sponsor the initiative or referendum. Additional qualified sponsors may be added not less than three days before the date of first circulation of the petition



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certified by the clerk; and

3. The verbatim text of the measure to be enacted or repealed. A proposed measure shall:
  - a. Meet constitutional, charter and other legal requirements or restrictions;
  - b. Include only a single subject; and
  - c. Be enforceable as a matter of law or be clearly denominated as advisory only.

(AO No. 2002-162, § 1, 12-17-02; AO No. 2017-41, § 2, 3-21-17)

**Charter reference**— Power of initiative and referendum reserved for the people, § 3.02(a).

### 2.50.030 – Certification of application.

#### A. *Legal review of application.*

1. Upon receipt of a completed application for a petition the municipal clerk shall immediately remit a copy of the application to the municipal attorney for review.
2. Within ten business days after receiving a completed application, the municipal clerk shall verify the sponsors' qualifications.
3. After consultation with the municipal attorney, the municipal clerk shall determine whether the measure proposed in the application may be submitted to voters by initiative or referendum; or whether the measure proposed must be denied. In making this determination, the municipal clerk may rely upon the legal counsel of the municipal attorney.

#### B. Notification upon completion of review of application. Within 30 days of receipt of the completed application, the municipal clerk shall notify the contact persons of the determination to certify or deny the application.

##### 1. Certification.

- a. Upon the conclusion of the municipal clerk's review of an application, the municipal clerk shall certify the application if the clerk determines:
  - i. The measure proposed in the application may be submitted to voters by initiative or referendum, and
  - ii. The two contact persons and at least ten sponsors of the application are qualified voters of the municipality.
- b. A decision by the municipal clerk to certify an application may be challenged in accordance with subsection C. below, as to substance only, and not to form. If the municipal clerk provides a master petition form to the contact persons of an application, the clerk shall be deemed to have certified the application. Immediately after a decision to certify a petition, the municipal clerk shall publish a notice that states the subject of the petition or proposed proposition title, date of the certification decision, the right to appeal within 30 days, and the manner in which any qualified voter may view or obtain a copy of the petition application, legal opinion if any, and certification decision.

##### 2. Denial.

- a. Upon the conclusion of the municipal clerk's review of an application, the municipal clerk shall deny the application if the clerk determines:
  - i. The measure proposed in the application may not be submitted to voters by initiative or referendum as a matter of law, or
  - ii. Either of the contact persons or less than ten of the sponsors of the application are not qualified voters of the municipality.
- b. A decision by the municipal clerk to deny an application may be challenged in accordance with subsection C. below, as to substance only, and not to form.

#### C. Appeal of application certification or denial. A decision by the municipal clerk on an application for an initiative or referendum petition is subject to judicial review by direct appeal to the Superior Court of the State of Alaska. Failure to appeal the municipal clerk's decision within 30 days from the date the municipal clerk distributes its decision shall constitute a waiver of the right of appeal.

(AO No. 197-76; AO No. 77-143; AO No. 2002-162, § 2, 12-17-02; AO No. 2017-41, § 3, 3-21-17)



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### **2.50.035 – Petition master form.**

- A. Timing and provision to sponsors. Upon certification of an application, the municipal clerk shall provide a petition master form to the primary or alternate contact person of the application. The municipal clerk shall not be responsible for reproducing copies of the master form.
- B. Form. The petition master form shall include:
  1. A short title for the petition, prepared by the municipal clerk;
  2. A fair and impartial summary, prepared by the municipal clerk, in consultation with the municipal attorney, that describes the measure proposed to be enacted or repealed; at the clerk's election, the verbatim text of the measure may be used in lieu of a summary;
  3. The verbatim text of the measure to be enacted or repealed as submitted by the sponsors, however the municipal clerk may correct manifest errors which are clerical errors, typographical errors or errors in spelling, or errors by way of additions or omissions, errors in reference to laws, ordinances or other sections of the code or Charter, spelling and grammatical errors, and edit formatting; the verbatim text of the measure to be enacted or repealed may appear on the back side of the petition master form, or may be appended to the petition master form;
  4. A statement to the effect that qualified voters who sign the petition are requesting the question of whether the measure at issue in the petition should be enacted, in the case of an initiative, or repealed, in the case of a referendum, should be submitted to voters by means of a ballot proposition in a future election;
  5. The date on which the petition was issued by the municipal clerk;
  6. A statement that signatures on the petition must be secured and filed within 90 days from the date on which the petition was issued by the municipal clerk; and
  7. Other such information deemed necessary or advisable by the municipal clerk.
- C. Use by sponsors. Only unaltered photocopies of a petition master form may be used to gather signatures for an initiative or referendum.

(AO No. 2017-41, § 4, 3-21-17)

### **2.50.040 – Required signatures on petition.**

- A. Number. A petition shall be signed by a number of qualified voters as provided in Charter Section 3.02. Only one signature may be counted for each qualified voter on a petition.
- B. Timing. The necessary signatures shall be secured on the petition and filed with the clerk within 90 days from the date on which the petition master form was issued by the municipal clerk.
- C. Qualifications. Only those signatures of qualified voters, as defined in section 2.50.010, shall be counted.
- D. Requirements. Each individual signing a petition must:
  1. Print the individual's name,
  2. Provide the individual's address of residence,
  3. Provide the individual's date of birth, voter identification number, or the last four digits of the individual's social security number,
  4. Sign the petition,
  5. Date the petition, and
  6. Write legibly.
- E. Withdrawal. Any person who signs a petition may withdraw the person's signature upon written application to the municipal clerk within seven days after the petition has been filed with the municipal clerk.

(AO No. 197-76; AO No. 2002-162, § 3, 12-17-02; AO No. 2017-41, § 4, 3-21-17; AO No. 2017-93, § 1, 3-21-17)

### **2.50.050 – Review and certification of petition after signatures.**

- A. Submission. Each petition shall be filed with the municipal clerk as a single instrument and shall be certified as provided in section 3.02(b) of the Charter. Once the petition is filed with the municipal clerk it may not be supplemented.





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- B. Counting signatures. Signatures of qualified voters presented with the information required by section 2.50.040D. shall be counted. Signatures presented without the information required by section 2.50.040D., or that cannot be confirmed to be of a qualified voter, shall not be counted. In determining whether a person who signed the petition is a qualified voter, the following rules shall apply:
1. Hyphenated last names. A person who otherwise appears to be a qualified voter with a hyphenated last name, but who uses only one part of a hyphenated last name, shall be considered to be the qualified voter with the hyphenated last name.
  2. Common form of first names or initials. A person who otherwise appears to be a qualified voter with a proper first name, but who uses a first name that is a common or shortened form of a proper name, or who uses initials corresponding to the proper first name, shall be considered to be the qualified voter with the proper first name.
  3. Address abbreviations. A person who otherwise appears to be a qualified voter at an address in the official voter-registration list, but who provides address information that differs from the official voter registration list because it uses common abbreviations or numeric symbols in the place of written out words shall be considered to be a qualified voter with the address of record in the official voter-registration list.
- C. Presumption of registered status. For the purposes of this chapter, there is a rebuttable presumption that a person who is a registered voter on the date signatures are counted by the municipal clerk was a registered voter at the moment of signing the petition.
- D. Rejected signatures. Signatures rejected by the municipal clerk shall be categorized by reason the signature was rejected.
- E. Certification or denial. Within ten days from the filing of a petition, the municipal clerk shall determine whether or not the petition is sufficient. Certification of the petition shall be granted or denied solely on the basis of whether a sufficient number of signatures of qualified voters on the petition was timely submitted. The municipal clerk's determination shall be in writing and sent to the primary contact person. The same day the written determination is sent, the municipal clerk shall notify the primary or alternate contact person by phone, facsimile or email, if such information was provided by the contact person in the application. A decision by the municipal clerk to certify or deny to certify a petition may be challenged in accordance with subsection G. below, as to substance only, and not to form.
- F. 10-day opportunity to rebut. If the municipal clerk determines there are insufficient signatures to certify the petition, the sponsors will have ten days from the date the municipal clerk sends notification to the primary contact person to provide the municipal clerk with clear and convincing evidence that signatures not counted were in fact signatures of qualified voters, as defined in section 2.50.010.
- G. Appeal. A decision by the municipal clerk on the number and sufficiency of signatures on a petition is subject to judicial review by direct appeal to the Superior Court of the State of Alaska. Failure to appeal the municipal clerk's decision within 30 days from the date of the municipal clerk's decision shall constitute a waiver of the right of appeal.

(AO No. 197-76; AO No. 96-159(S), § 4, 1-14-97; AO No. 2002-162, § 4, 12-17-02; AO No. 2017-41, § 5, 3-21-17)

**Charter reference**— Certification by municipal clerk, § 3.02(b).

### **2.50.055 – Summary of economic effects.**

- A. As early as reasonably possible after final certification of an initiative or referendum pursuant to Charter section 3.02(b), the office of management and budget shall prepare a summary of economic effects conforming to the requirements of section 2.30.050 for each initiative or referendum, provided however, that such summary of economic effects shall be nonpartisan.
1. Notwithstanding the provisions of section 2.30.050, the summary of economic effects required by this section shall be in a format readily understood by a voter of average capacity and intelligence and shall use short, direct sentences and simple language of common understanding.



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B. The municipal clerk shall publish the summary of economic effects required by subsection A. of this section, or a nonpartisan summary statement of the economic effects.  
(AO No. 98-150, § 1, 10-27-98; AO No. 2017-41, § 6, 3-21-17)

### **2.50.060 - Suspension of ordinances.**

**Charter reference**— Suspension of ordinance referred, § 3.02(c).

### **2.50.070 - Effect of assembly action prior to election.**

**Charter reference**— Voidance of initiative or referendum petition, § 3.02(d).

### **2.50.080 - Submission to voters.**

An initiative and referendum shall be submitted to the voters as provided in Charter § 3.02.

(AO No. 197-76)

**Charter reference**— Submittal of initiative and referenda to voters, § 3.02(b).

### **2.50.090 - Effect of vote.**

- A. Except when the measure is a Charter amendment, if a majority of those voting favor the initiative measure, it becomes effective upon certification of the election results. If a majority of those voting favor repeal of the measure referred, that legislation is repealed 30 days after certification of the results of the election. If the measure is a Charter amendment, unless the measure states otherwise it shall be effective 30 days after certification of the results of the election.
- B. Where voters have approved at the election initiative or referendum measures which, because of substantial legal conflicts, cannot stand together, the municipal clerk shall certify to the assembly only that measure receiving the highest majority vote of votes actually cast. A decision of the municipal clerk pursuant to this subsection may be appealed to the superior court.
- C. An unsuccessful initiative or referendum precludes the filing of a new petition for the same purpose sooner than six months after voter disapproval of the initiative or referendum.

(AO No. 197-76; AO No. 2017-41 , § 7, 3-21-17)

**Charter reference**— Assembly modification of ordinance initiated or referred, § 3.02(e).

### **2.50.100 - Recall.**

An elected official may be recalled by the voters in the manner provided by AS 29.26.240—29.26.360.

(AO No. 2017-41 , § 8, 3-21-17)

**Charter reference**— Recall, § 3.03.

**State Law reference**— Recall procedure, AS 29.26.250—29.26.360.